

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**FOURTH DAY
FEBRUARY 15, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:30 P.M.]

P.O. CARACAPPA:

Mr. Clerk, please call the roll.

MR. BARTON:

Good morning, Mr. Chairman. Legislator Caracciolo.

P.O. CARACAPPA:

He's here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

Here.

LEG. CARACCIOLO:

Henry, do you have •• did you hear me?

MR. BARTON:

Yes, I did.

LEG. VILORIA•FISHER:

(Not Present).

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

14 present. (Not Present at Roll Call: Legs. Schneiderman, Fisher, Binder, Cooper)

P.O. CARACAPPA:

Would everyone please rise for a salute to the flag led by Legislator Losquadro.

[SALUTATION]

P.O. CARACAPPA:

Please remain standing. I'd like to introduce Legislator John Kennedy for the purposes of introducing today's clergy.

LEG. KENNEDY:

Thank you, Mr. Presiding Officer. We have here with us today Father Jim McNamara. He is the Pastor of Holy Cross Parish in Nesconset. It's a parish that's been in existence for about 17 years, very vibrant in the community,

provides a lot of services, and I am happy to have him here today to lead us in prayer. Thank you, Father, if you will.

FATHER MC NAMARA:

Let us pray. Gracious and loving God, you have entrusted to us the care of this beautiful world. As we begin deliberations today in the Suffolk County Legislature, we ask for your wisdom and your blessing. May our thoughts be centered on the common good of all of our citizens. May our conversation reflect your love and care. May we each use the gifts you have given us to faithfully serve the people of this County who have placed their trust in us. As we begin this day we praise you, and we thank you for all you have given us and for all that we will receive in the future. We ask your blessing as always in praise of your name. Amen.

P.O. CARACAPPA:

Thank you, Father. Everyone, please be seated. Good morning, everyone. We have a series of proclamations by Legislators this morning. I'd ask everyone to try and stay focused in their presentation and get these done as quick as possible, so we can get directly to the public portion.

First and foremost, Suffolk County has been blessed with very intellectual students throughout the County of Suffolk as it relates to the Intel Science Contest semifinalists and finalists. What I'd like to do is read off a list of •• excuse me. Read off a list of the semifinalists, and then we're going to have a few proclamations presented today for two of the finalists.

The semifinalists include, from Legislator Cooper's District, Jeannette Muniz from Commack High School; Legislator Nowick's district, Joan Bosco from Kings Park High School, as well as John Michael Iraci from Kings Park High School. From Legislator Binders district, Chelsea Gordon from Half Hollow East, also Daniel Roberts from Half Hollow East; Feini Qu from Half Hollow East, and David Rosenman from Half Hollow East, all being represented •• oh, Half Hollow West •• represented from Legislator Binder's Office. From Legislator Kennedy's district, we have Stephanie Leventhal from Hauppauge High School and Eric Mansfield from Smithtown High School. Legislator Tonna has a semifinalist as well in Anthony Vicari from Walt Whitman High School; and Legislator Alden has a semifinalist from •• whose name is Amit

Mehta from Saint Anthony's High School.

Legislator Vilorio•Fisher has quite a few semifinalists, and a finalist I might add, here today all from Ward Melville High School. Their names are Adit Ramakrishnan, Aisha Akhtar, Alexander Kenigsberg, Andrei Petrenko, Jeffrey Fei, John Wei, Katya Botchkina, Lauren Miller, Lily Wang, Samuel Ocko, Smita Prakash, and Shan Yuan Huang. And the last one is Legislator Losquadro's from Longwood High School.

Let's have a round of applause for our semifinalists.

(Applause)

It's very impressive. At this point, I'd like to introduce for the purposes of a proclamation Legislator Jay Schneiderman.

LEG. SCHNEIDERMAN:

My district is fortunate to have an Intel finalist. Is Ailish Bateman here today? Was she able to come? Ailish, are you here? Okay. Ailish Bateman is a student at Pierson High School. Unfortunately, she is not here, she may be on the way. A distinguished student, she's a student in Robert _Schumacher's_ class at Pierson. He is a Ph.D. in chemistry. And she did a chemistry project, very unusual, where they had found a plant, I guess it was growing out in a marsh somewhere, and it seemed to be different than the other plants in that I guess there was some kind of bacteria growing everywhere except in this one place. And they took the plant to see if it had any interesting properties within it, and this woman, Ailish, broke the plant down into all its constituent compounds through various extraction methods and distillation methods and then studied some of the •• did some preliminary tests and then some more detailed tests on some of the components until she found a particular chemical that had both antibacterial properties and some other medicinal properties, and she entered this in, became a finalist. Apparently, this compound may have medicinal properties, including the treatment of serious diseases, including HIV and the Sars Virus. So it's very exciting work that Ailish did. And I will present this proclamation to her when she arrives, and if not, I will present it at her

school. Thank you.

P.O. CARACAPPA:

Thank you Legislator Schneiderman.

[APPLAUSE]

P.O. CARACAPPA:

Legislator Vioria•Fisher also has a finalist, but she has not arrived yet. We'll present that proclamation when she does. Moving on to other proclamations, I'd like to recognize Legislator Angie Carpenter.

D.P.O. CARPENTER:

Thank you so much. I would like to bring up Jack and Marie Percival. I'm sure that all of you saw during the terrible snowstorms that we had the picture on the front page of Newsday of the gentlemen who unfortunately fell into the icy waters of the Great South Bay trying to get the ice away from his dock. And unfortunately the fire department was not able to be here this morning as was originally scheduled, and I did so want to recognize them. But Jack and Marie are here, and I'd like them to come forward, and Jack is going to share a few words on what really the fire department means to him. And I would like to also say that these are two people who are so very much a part of our community, and have been giving back to the community for so very many years, both very, very active in the Royal Order of the Moose, among other organizations. So, Jack, if you would.

MR. PERCIVAL:

Good morning, everyone. I'm very happy to be here, thanks to the West Islip Fire Department. I thank them and all the fire departments on Long Island. In the article it said I was using a sledgehammer to knock ice away from my dock. That's so far from the truth. That's a suicide mission using a sledgehammer. I was using a long pole with a spike. And thanks to a 911 call by my wife, Marie, the fire department was summoned. I was in the water for one half an hour. If any of you guys in the service have ever heard survival films, eight•and•a•half minutes in the Atlantic Ocean is a

limitation. Great South Bay is a little warmer. But thank you to the fire department and their cause.

I was rescued by an underwater squad of four people, and after I got to the hospital, I don't remember anything after that for about three or four hours. Anyway, my hero, Marie, she ••

[APPLAUSE]

MS. PERCIVAL:

Well, I can never be very serious, because I do belong to two homemakers groups, West Islip and Bay Shore•Brightwaters, so I'm very handy with a lot of things. This isn't the first time I've saved his life. He's always doing something reckless. Now he's a true blue blood, he is English, now he's true blue. The blood runs blue now, okay? But he scares us a lot sometimes.

I have a son who's cop, Billy Fitzpatrick, he's in the Bed•Stuy section, and I'm still hearing about it, because I didn't call him first. He would have put a ladder in and dragged him out. No way. He was very heavy, it took a lot of men to get him out of that water, and he did look like a basketball from the binoculars I was looking through. I saw a pole and I saw a basketball. It was him, he was beet red. When they got there, he was beet red. When I got out there, after going through all the snow, there was no way I could get him out. I wear an "S" here for Superwoman, but it didn't work, no. All right. I will end this by saying the next time he does it, I'm calling 912. Thank you.

D.P.O. CARPENTER:

Thank you very much.

[Applause]

P.O. CARACAPPA:

I recognize Legislator Pete O'Leary from the Third District to present a proclamation.

LEG. O'LEARY:

Good morning, everyone. Myself and Legislator Losquadro are here this morning to recognize and honor the Longwood High School football team. And in no small way, let me just say what they accomplished. They, for the first time, the •• a team that did not win the actual division, as a matter of fact, they had two losses in the regular season, went on to win not only the playoffs and take the Suffolk County Championship, but the Long Island Championship as well.

I'd like to have the Coach, the Athletic Director and Superintendent come up here, please. We have with us today Michael Loneran, who's the Assistant Superintendent of Longwood Schools, the Athletic Director, Kevin McCarthy, and Coach Adam Dewitt. Coach, how are you doing? Kevin. This is a •• this is an example, guys, that the game is played on the field and it's never over until it's over, as Yogi Berra used to say. And even though you didn't win the division, your accomplishments are very noteworthy, and my congratulations goes to you.

I'd like •• we have some members of the football team here. I'd like them to stand and to be recognized. Guys, would you stand up, please, and congratulations.

[Applause]

When I first arrived here this morning, I was looking for the football team and I was glancing in the different sections of the auditorium, and it's obvious that they're football players and these guys back here are perhaps runners and swimmers, or whatever, though. But anyway, again, congratulations, and the best of luck and success in the future. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. You've heard Legislator O'Leary obviously talk about the accomplishments of these young men, but they've exhibited something far greater than what they've just shown on the field. They've shown a level of maturity, willingness to work together, not seen in people many times your age, and we can say that as politicians, because a lot of times adults act like children in this business. So, you guys have done a great job. Continue the

hard work. I wish you continued success in your academic and athletic pursuits. I know you have a great career ahead of you. Both Legislator O'Leary and I have proclamations for the organization, and I know we each have certificates that are going to be distributed to each member of the football team, so congratulations again.

[APPLAUSE]

P.O. CARACAPPA:

Thank you and congratulations. I recognize Legislator Bishop for the purposes of a proclamation.

LEG. BISHOP:

Is Lisa June •• is she here?

P.O. CARACAPPA:

What is the name, Legislator?

LEG. BISHOP:

Lisa June.

P.O. CARACAPPA:

Miss June, Lisa June.

LEG. BISHOP:

Good morning. February is traditionally a month where we contemplate affairs of the heart, but for one in 125 Americans, the first affair of their heart is survival, because they're born with congenital heart defects. And there's an organization called Little Hearts, which works very hard throughout Long Island to raise awareness about the congenital heart defect epidemic and the need for government to take a greater role in research and finding prevention of this problem.

So, we have, as a Legislature, declared Valentine's Day, February 14th, Congenital Heart Defect Awareness Day, and this proclamation memorializes that, and we know that all 18 of us will be working hard in the months and years ahead to prevent this problem. So, Lisa June, who works with the

organization, please accept this proclamation from us for your good work.

MS. JUNE:

Thank you very much.

[Applause]

P.O. CARACAPPA:

Thank you, Legislator Bishop. Congratulations. Oh, is she going to say a few words? Great.

MS. JUNE:

I just want to thank you very much for recognizing this, because it is the number one birth defect. Hardly anybody is aware of that. We always go to spina bifida or Down Syndrome, but it is affecting one out of 100 babies. My son was born with the left side of his heart missing and had to undergo three open heart surgeries and he was not diagnosed in utero. It really helps for them to be diagnosed in utero. So, if we can fight together for this and make this become a State thing, it would be great, and I thank you very much.

(Applause)

P.O. CARACAPPA:

Thank you. Congratulations on your advocacy. Next up, Legislator Viloria •Fisher has joined us and she's going to present some proclamations for the Intel awards, right, Intel?

LEG. VILORIA •FISHER:

Yes, the Intel Award semifinalists. Can all of us kind of stand behind me? But I'm not going to give you your proclamations in here. Are they here? Is Ward Melville here? Can you please get up? I'm just going to read the names of the Intel semifinalists. And when you look at what Seth is holding, this is certainly quite a testament to our incredible educational opportunities here in Suffolk County. Look at all of the proclamations he has for these students who really have done us proud on this •• in this national competition, and I'm certainly very proud to be here with them. I'm just

going to read the names and their •• the names of their projects. I'll give you your proclamations outside, okay?

Aisha Akhtar, her project was Development of a Thermo•responsive Graft Copolymer?

MS. AKHTAR:
Copolymer.

LEG. VILORIA•FISHER:

Copolymer. Katya Botchkina, What Can Be Done To Recover the Roseate Tern on Long Island? Sensitivity Testing on Demographic Model of the Long Island Sterna dougallii Population. Jeffrey Fei, Mutagenic Bypass Pathway Involved in the Eukaryotic Cellular Response to Anticancer Drug Resistance. Alexander Kenigsberg, Biochemical and Genetic Studies of a Highly Attenuated Polio Virus: A Vaccine Candidate for the Post Poliovirus Eradication Era. Lauren Miller, The Effects of High Concentrations of Petroleum Hydrocarbons on Growth Rate. That's very interesting. Sam Ocko, A Study of the Thermal Properties of the ID Lennard Jones System. Andrei Petrenko, Investigation of Nuclear Mass Formula Fits to the Liquid Drop Model of the Nucleus. I have no idea. I didn't even know where to stop in the middle of that sentence. I couldn't tell which word was modifying which. Smitma Prakash. I don't see Smitma. Oh, there she is. Grasping Einstein's Gravitational Waves. Aditi Ramakrishnan. Where are you Aditi? Okay. Oh, you know what, I have to hold this. Are _Nanoparatics_ Safe? No, nanoparticles. Oh, couldn't see that. Okay. Cytotoxicity of Citrate Coated Gold Nanoparticles. Neal Wadhwa. Can you just step forward, Neal? Neal was one of the finalists who went to Washington and ••

MR. WADHWA:
Not yet.

LEG. VILORIA•FISHER:

Not yet. Chosen to go to Washington, okay, so •• and his project was on Super Calabi•Yau Manifolds. What are calabi•yau's?

MR. WADHWA:

They are a specific type of manifolds •• it's like super •• it is specific types of super manifolds that are flat.

LEG. VILORIA • FISHER:

Okay.

LEG. COOPER:

Come on, Vivian, everyone knows that.

LEG. VILORIA • FISHER:

Silly me. Okay. Lily Wang worked on How Much Heat Can Chromium? No, Charmonium Take? And John Oliver Wei, Construction of Indoleamine 2.3 something.

Well, they're very exciting projects, I'm certain, and I'm very proud to be the person who represents you in and on the County Legislature. Thank you for your good work and congratulations.

[Applause]

We'll go outside with your procs.

P.O. CARACAPPA:

Congratulations. And let me apologize for botching your names so badly earlier. Okay. I recognize once again Deputy Presiding Officer Carpenter for the purposes of another proclamation.

D.P.O. CARPENTER:

I was so glad to see Legislator Bishop with his proclamation this morning. He just said to me, "Another heart," and it seems that we can't have enough heart. And this morning I had representatives from the American Heart Association down here. I have been asked, and I sent a letter to each of you asking you to kind of join in on this effort. I've been asked to chair the initiative in Suffolk County, along with the Presiding Officer of the Nassau County Legislature, Judy Jacobs, who's doing this in Nassau County, and it's the Go Red For Women Campaign to raise awareness to the fact that heart disease is the number one •• heart disease and stroke are the number one

and number three killer of women in this country, and certainly in Suffolk County. And there has been so much emphasis on some of the other dreaded diseases, namely breast cancer. And I wanted to recognize Legislator Alden in his initiative, because every month in October the Dennison Building is lit in pink to raise that awareness. And along those lines, we are getting a CN later today from the County Executive, because we are going to be lighting the Dennison Building every year in February during the week of Valentine's Day in red to do just the same, raise that awareness.

So, if the representatives from Heart would come forward, they have a few words to share with you this morning. We have Mr. Racanelli who's the Chairman of the Board, the volunteer board, and George Rosales. So, gentlemen.

MR. RACANELLI:

Angie, you're a real advocate wearing red today. We really appreciate that.

D.P.O. CARPENTER:

In fact, if I could, I'd like to ask Legislator Nowick, who's here with me and wearing red today, who's joined the effort, and Legislator Fisher, who unfortunately had to step out of the room, but go ahead.

MR. RACANELLI:

Yeah, it's all about awareness. I first want to say, it's a tough act to follow after those young kids, being just a simple construction worker, you know, but know I'm very excited to be here on behalf of the Heart Association, and acting as Chairman of the Board for Long Island.

As Angie had said, I think it's very important that everybody understands that heart disease is the number one killer of Americans today, heart disease and stroke, but what most people, as Angie said, don't understand is that it is the number one heart disease •• number one killer of women also. I think by everyone here supporting our Go Red Campaign, which has been really successful throughout the country, we help raise awareness, which is •• definitely will translate into saving lives. So, I'm very happy to accept this

proclamation. I appreciate all your guys' efforts, and we're very excited about the
H. Lee Dennison Building being lit red.

Again, as I said when I first came up here, it's all about awareness, and that's •• you know, carrying on the mission is one thing, but having everybody aware of the significant impact that heart disease has on most of our lives, our personal lives, is extremely important, so thank you very much.

D.P.O. CARPENTER:

You're welcome. One other thing I neglected to mention, many years ago, someone who was very near and dear to the hearts of all of us was Legislator Maxine Postal, and she tried to start this initiative. We had put some money in the budget for the Health Department to do just what the Heart Association is doing now, is to raise that awareness amongst women. George, did you want to say something?

MR. ROSALES:

Sure. I will speak very quickly. I just want to thank the Legislature. This goes beyond symbolism. This session, this Legislature, has unanimously passed two AED bills. And again, like I did a couple of months ago, I'd just like to thank everyone at the horseshoe for their support, and again, thank you, Ms. Carpenter, for agreeing to spearhead this Go Red For Women initiative on Long Island. Thank you very much.

[Applause]

P.O. CARACAPPA:

Thank you everyone. I recognize Legislator Lynne Nowick for the purposes of presenting a couple of proclamations.

LEG. NOWICK:

Good morning, everybody. I guess the young men got their wish, because they got to wait around a little bit and they don't have to go back to school that fast. Today I would like to introduce two teams from Smithtown that

have exemplified all that sports endeavors are about.

The first team I'd like to recognize today is the Smithtown Boys Cross Country Team, and could you all stand up, please. These forty•one young men came together to play as one unit. The team had heart through the commitment of all of the members of the team encouraging each other, mentoring each other, cheering on each other, the team ran as one. And through the combination of supportive parents, thank you, who always make a difference, coaches and fellow teammates, these young men cheered for each other and strove for excellence as they became the County champions.

(Applause)

Could I please ask Coach Carolyn and also Athletic Director Patrick Smith to come up to accept this award on behalf of the team. And to all of you, wonderful.

(Applause)

Now, the second team that I have asked to join us this morning is the Smithtown Varsity Boys Volleyball team, and could you all stand up, please.

(Applause)

For the past decade, Smithtown has been a powerhouse in boys volleyball, appearing in the championship game each year, and they have won that title six times. Now, as Smithtown is in the final year before splitting into two high schools, the volleyball team wanted to end on a winning note as they did. After graduating almost every starter from a year ago, many people thought that Smithtown would have to rebuild, but through many hours of practice and work, the men showed that together a group of these individuals can achieve success. When this team won the Class A Championship, the win placed the cap zone on a tradition of an outstanding volleyball program.

If Coach Lahey could please come up and accept these proclamations on

behalf of the team. Coach, great work.

[Applause]

To all of you men, congratulations, all of you young men. I understand that the coaches said you probably don't have to go back to school, you get to sit here all day. You'll be sorry. We'll come outside, we'll give you the proclamations. Thank you.

[Applause]

P.O. CARACAPPA:

Congratulations, everyone. Is there anybody else who wants to present? Okay. We're going to go directly to the public portion now. Each speaker has three minutes. This is not a question and answer period, it is your time and your time only.

In reviewing the cards, I notice there is •• half of them have to do with Broadwater. Just for informational purposes, there is no bill pending before this Legislature today, nor will there be as it relates to Broadwater, but, of course, your time is yours and you're free to use it. First speaker is Robert Parker.

LEG. COOPER:

Joe, perhaps there's going to be a Sense Resolution considered at the next meeting.

P.O. CARACAPPA:

Yeah, the next meeting, not today, though.

MR. PARKER:

Good morning and thank you. Are we on? Are we on?

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

MR. PARKER:

Okay. I do not come to ask for any money, I don't come to complain. As Mark Anthony said, the literary figure, not the singer, "I come to praise Caesar, not to bury him." I want to thank you on behalf of the Sunrise Fund School Reentry Program for a generous grant given to the program.

The Sunrise Fund is an organization started by parents to raise awareness and money for the Pediatric Oncology Program at Stony Brook University Hospital, and the school reentry program is an outgrowth of the Sunrise fund's activities. It is a unique program, not only on Long Island, but within the New York metropolitan area, where the staff educates school personnel, teachers, social workers, counselors, administrators, in an effort to reintegrate kids who have been out of school for awhile during treatment for cancer back into the school setting.

The program has had contact with virtually every school district within Suffolk County, although there are still a few school districts that I think are rather Neanderthal and do not allow us to get into the school for classroom presentations. But this is a program that has been very well received and has been •• has been greatly supported by the hospital picking up all the costs. The grant that the County Legislators have given us enables us to defray some of the expenses for materials that have been published to give to the schools.

This is a program that truly helps all of the children in Suffolk County and not just those children who have been treated for cancer, because it is an educational program that teaches the kids about the issues involved, not only in cancer, but in any chronic potentially life•threatening disease. It raises awareness and lets them understand what their classmates have gone through. And while we all anticipate that the children benefit from this, some of the feedback that we have received is that we have dramatically raised the awareness and understanding within school officials and teachers. The number of times that they have said, "I never knew that, I didn't know you couldn't catch cancer by drinking in a water fountain," or something such as that, it amazes me. And the adults come away from this

program with a better understanding of the needs of the children in their community. So, once again, I want to thank you for your kind generosity in this regard.

P.O. CARACAPPA:

Thank you, sir. Nancy Marks. Hello, Nancy. Nice to see you back here at the Legislature,

MS. MARKS:

Thank you.

P.O. CARACAPPA:

It's been awhile.

MS. MARKS:

Yes, it has been. Mr. Presiding Officer, members of the Legislature, my name is Nancy Marks and I'm here representing also the Sunrise Fund, which is a non•for•profit for children with cancer. I, as a parent, I would like to thank the Legislature for the grant that we've received for the School Reentry Program.

Just a little personal history. My daughter, who is now three•and•a•half years old, was born with cancer. She was born with abdo blastoma, which is a cancerous tumor on her liver. It was the size of a grapefruit and at five days old she •• the tumor was removed, as well as 25% of her liver. And at 2 weeks old she starting receiving chemotherapy. And our miracle worker, as parents, is Dr. Parker, who just spoke. My daughter is alive for his treatment towards her and just everything that Stony Brook has done.

It's very hard for children to speak about what they're going through, especially my daughter who's three•and•a•half. We're just happy that she's starting to speak, so my husband and I have dedicated ourselves to raise awareness and funds for children with cancer.

And I just wanted to come today to thank you for the generosity that this Legislature has given to the Sunrise Fund, and thank you for all your hard work. Thank you.

P.O. CARACAPPA:

Thank you, Nancy. Peter Quinn.

MR. QUINN:

Good morning, members of the Legislature. First, may I ask the Presiding Officer ••

LEG. LOSQUADRO:

Lift microphone, please.

MR. QUINN:

Oh, Okay. First, may I ask the Presiding Officer to check to see that there's a quorum, and second, I'd like the Clerk to distribute a one•page sheet dealing with LIPA.

P.O. CARACAPPA:

We have ten, I believe.

MR. QUINN:

You do have ten, all right. I want to •• I'm Pete Quinn, Long Island Coalition for Democracy. I want to express my disappointment that the Economic Development and Energy Committee did not •• actually, it tabled the Broadwater Energy resolution, so that it didn't come out of committee for a vote today. I heard some Legislators saying we don't know enough about it, and I submit to you that you know plenty about it.

First, you know that it's going to cost 40 million dollars over two years for permitting. Did you know that that's more money in that permitting process than LIPA currently spends on renewable energy and energy efficiency? Think about it. That's more money than they're •• on the legal firms than we're actually getting from LIPA on renewable energy. Did you know •• and some of you contended, even the Presiding Officer •• even the Chairman of that committee said, "Well, we're short" •• "there's a shortage of energy." Well, this sheet should show you that, if you'll look at it, this goes back to '98, '99, and 2000, and it shows that for one hour, each of those years, the total amount of megawatt usage, forty•two•o•eight in '98, over forty•five in

'99, and forty•one hundred megawatts in the year 2000. And if you were to •• I don't have the sheet that covers the remaining years since then, but it's indicative of how megawatt usage is used by utilities to claim that we need more energy when, in fact, last year, for example, LIPA used on average less •• on a daily basis less than 3,000 megawatts. As a matter of fact, LIPA used •• excuse me. In that •• less than 3,000 megawatts, LIPA never went •• they used less than 4% from the previous year. They used almost 4% less energy last year than the year before, so where is the shortage?

I would argue that you have enough information, particularly since the company claims that it's the bridging fuel to the future. When did they start that claim? Well, here Green Peace's booklet says, "Bridging" •• "Natural Gas, Bridging Fuel or Roadblock to Clean Energy." They have maintained for over 30 years that this is the bridging fuel, and that will be the block to prevent clean energy from coming forward. I urge you to pass that Sense resolution and join others who have already done so. Thank you.

P.O. CARACAPPA:

Thank you. Sid Bail.

MR. BAIL:

Good morning, Mr. Presiding Officer, members of the County Legislature. My name is Sid Bail. I'm President of the Wading River Civic Association. I'd like to make some brief comments on the Broadwater Energy proposal.

Last week the Economic Development Committee did not support a nonbinding Sense resolution rejecting the Broadwater proposal. The panel unanimously tabled the measure, leaving open future consideration. I am respectfully asking that all members of the Suffolk County Legislature, especially those members who are awaiting further study on this issue, take a position sooner, rather than later. It's not too early to oppose this project.

I agree with Senator Ken LaValle who stated, "We're speaking out early, because we learned from Shoreham that you can't start early enough or say things enough times." The waiting game is Broadwater's game. Future consideration and further study will ensure that local input will be

marginalized and public policy will be determined by the Washington bureaucracy.

You don't have to be an expert to realize that increased reliance on LNG imports will continue our dependence on another fossil fuel from unstable regions. You don't have to be an expert to realize that there are credible alternatives to the assumption that our region must burn increasing amounts of fossil fuels each year. You don't have to be an expert to know that Long Islanders oppose the industrialization of the Long Island Sound.

I would ask all members of this Legislative body to consider the timely passage of the Sense resolutions which were sponsored by Legislators Jonathan Cooper, Daniel Losquadro and Brian Foley opposing the Broadwater project. Thank you very much.

[Applause]

P.O. CARACAPPA:

Thank you, Mr. Bail. Cesar Malaga.

MR. MALAGA:

Good morning, Legislators. For years •• my name is Cesar Malaga. I'm representing the Hispanic American Association of Suffolk County. For years we've been here at Suffolk Legislature asking you to build affordable housing, affordable housing for those people making over \$70,000 a year. Today we call them workforce housing, which, you know, which we do need here on Long Island. And we keep talking, talking but we're not doing anything. We have to start building.

I think the East End Legislators, Fisher and Schneiderman, they can learn a good lesson. There's a priest out there by the name of Father Luigi. He acquires the property, gets the approval to build housing, he builds them and he sells to the people who need them. I think you should bring him here to those people who •• you know, to give you a little lessons how can it be done, build affordable housing to the lowest, least expense, and then give to the people who do really need them.

You know, you read •• after I talked to you about the last three or four, you know, sessions here in the Legislature about affordable housing, you read in Newsday about why the reasons we need affordable housing, that the people are leaving Long Island, young people are leaving Long Island, which we have been telling you for years. And also, I do not disagree with the fact that they said that there is no, you know, qualified young people to hold future jobs here on Long Island. You know, I do not agree with that. We have many young people who qualify to do high tech jobs, but they cannot work here on Long Island. Long Island pays very little and the cost of living is very high. Therefore, many of those people work in New York City or New Jersey. I do not know whether you know or not that there are many Suffolk residents who travel every day to New Jersey, you know, for jobs that are available out there, and we do need them.

Now, I also have mentioned to these Legislators not to sell any land owned by Suffolk County. Today, you know, I see, you know, in Newsday has, you know, working rift holds up property deals. Also, you know, I see here, you know, in this •• in that Consent Calendar, you have 11 properties to be sold. I mean, you should not be selling this property. You should be holding these properties to provide affordable housing, affordable for those who make 64,000 under, or 68,000 under, and those workforce affordable housing, we need them.

The other fact that County •• County Executive wants to build Yaphank. He wants to build, you know, factories, this or that, affordable housing out there. There is land available out west. There are a lot of empty offices there. We should not be building anything in Yaphank. People move to Long Island here for the beauty of it. We want to preserve open space and we should not be building anything in that land. Plus, if you build there, you need highways, highways. And once you build highways, you can never satisfy the highways to meet the number of cars. So out west in Suffolk County, you have the mass transportation, which you people should be using it, and I have been asking for many, many, many, years here, the County Legislators, to push the MTA to provide additional train service, but I do not get any help. When I was a member of the Long Island Railroad Commuters Council I asked for your help. I didn't get any help with you, except with the West Islip •• Islip Town Supervisor. So, we need to provide

more mass transit, and I do not believe that we should be building housing in the open. Let's preserve the land, let's keep that land.

Just let me just do one thing, I'd like to finish, is that, you know, transportation, Mr. Foley mentioned to me that I didn't, you know, thank them for keeping the fares low. Yeah, thank you, and to all of you, but we need to keep mass transportation, you know, low, and we need Sunday bus service. We have the money and we should provide Sunday bus service here in Suffolk County.

P.O. CARACAPPA:

Thank you, Mr. Malaga.

MR. MALAGA:

Thank you very much.

P.O. CARACAPPA:

Jane Geary.

MS. GEARY:

Hi. My name is Jane Geary. I'm here representing the Long Island Pine Barrens Society. Good morning.

P.O. CARACAPPA:

Good Morning.

MS. GEARY:

Okay. The safety concerns and potential environmental impacts of the Broadwater Liquified Natural Gas Facility proposed for Long Island Sound are undeniable. There are regional, environmental, cumulative and synergistic adverse impacts associated with the Broadwater scheme that the Long Island Pine Barrens Society has asked me to share with you today.

In short, the Broadwater Plan is dangerous, environmentally harmful, is not needed, and is not intended to meet Long Island's natural gas energy needs. The project will increase the United States' dependency on foreign fossil fuels, it will delay Long Island's efforts to increase conservation, and

significantly delay the possibility of moving towards renewable energy sources by creating a costly infrastructure for LNG. The Long Island Power Authority, KeySpan Energy and the new Caithness gas powered electrical generating station all tell us that they have no need for Broadwater LNG facility in order to meet Long Island's Energy needs.

More over, LNG associated with the proposed Broadwater facility is not substantially targeted for Long Island. Fueled by rising gas prices, some of the worlds largest multi-national corporations have proposed 51 LNG facilities all over north America to supply the United States with LNG. There are only four LNG terminals in all of north America today that are operational, so there is no demand to fast track LNG development in this way. The fact is that there is a looming reality of global warming, domestic resources are declining, and no amount of sacrificing national estuaries or other protected lands will reverse that continuing trend.

It's past time for policymakers see the big picture here. Simply building a network for LNG will not only be extremely expensive and create conflict with local communities, local property owners and local governments, but it is ultimately •• it ultimately provides no solution. Creating a nationwide grid for natural gas alone is just a Band-Aid and does nothing to help American's dependency on foreign fossil fuels, pollution, and global warming. In fact, it's likely to make them worse by temporarily facilitating even greater energy consumption.

We are very concerned about the proposed Broadwater Energy proposal. We have evaluated the proposal carefully and have concluded that it represents safety and environmental threats of enormous significance on Long Island. Because the Federal Energy Regulatory Commission has so much influence over the approval process for liquified natural gas facilities, any delay in opposing this project will make Long Islanders input moot. We urge you to join the increasing ranks of those elected officials who understand that while natural gas will be an important source of energy in the future, the Broadwater LNG project is neither necessary nor desirable for its delivery here on Long Island. We ask that the Legislature authorize the retention of counsel, expert in energy regulatory affairs, to represent Suffolk County's residents interests in this matter. Additional study is unlikely to

shed additional light on this unproven technology and can only increase the likelihood that a dangerous and unneeded facility will be constructed. Thank you very much.

I just wanted to •• I'm also passing this out. It's a testimony from Wenonah Hauter. I am also a resident of Shoreham and they wouldn't let me speak twice, but she talks about the finds in California against natural gas companies for manipulating prices and how natural gas companies exploited the lack of regulation to rip•off consumers, and I think that's really important because energy is sort of the one reason that people are in favor of this. So that's •• thank you.

P.O. CARACAPPA:

Thank you.

LEG. LOSQUADRO:

Thank you again.

P.O. CARACAPPA:

Michelle Zaloom.

MS. ZALOOM:

Good morning. My name is Michelle Zaloom. I'm representing today the Long Island Environmental Voters Forum and the North Fork Environmental Council. Okay. Just to give you a little bit of background about myself, I spent eight years working for the General Accountability Office in Washington DC and as an Investigator for the U.S. House Appropriations Committee, and so my background is evaluation of programs. And today I'm here to talk about the Broadwater project.

I'm not sure if any of you have seen Broadwater's description of the project. And, you know, everybody •• a lot of people are focusing on the visceral and, you know, kaboom, it's a bomb, and I'd like to bring to your attention some facts in this book about this project.

First, they state that sediment on Long Island Sound will be disturbed while

installing the mooring system and while installing 25 miles of pipeline. The U.S. Geological Survey reports that Long Island Sound sediment is polluted with carcinogens, lead, PCB, copper and a multitude of other bottom-heavy contaminants, excuse me, that should not be disturbed. The U.S. Geological Survey has a website that shows a map of the bottom of Long Island Sound with colors representing the different contaminants and it's very colorful and I really don't want that stirred up, I don't think any of us do.

Broadwater also states that process water will be discharged during hydrostatic testing of the pipeline to ensure that the pipeline is resistant to leaks. This requires adding a biocide, which I assume kills biological components, to the water that's used in the testing, which then will be discharged back into the Sound. Marine species will be disturbed during the pipeline installation, as will essential fish habitat. These are their words, not mine. Noise pollution will occur during installation and every time a tugboat accompanies the tankers, estimated at two to three times a week. Additional water discharges can impact water quality due to contaminants that may be present in the discharged water. They'll require storm water control sewage disposal and spill prevention. In the event of a spill, there would be great impacts to marine life. Actually, it freezes the water.

There's danger that non-native species and parasites will be introduced to the Sound from the carriers and in the terminal through change in ballast water. As they take on the LNG, they have to lighten the load. They have to maintain a ballast in the boat and in the terminal, so as they move the LNG from the terminal to the •• from the boat to the terminal, they're going to have to add water taken from the Sound and discharge water. There is •
• it's known for LNG tankers that occasionally non-native species and parasites from Algeria and wherever else they're getting the LNG, could be discharged into the Long Island Sound.

They also talk about light pollution. Okay, I'm out of time. I will leave this for your statement. The most important thing is the Federal Energy Regulatory Commission is trying to take this decision out of our hands. They're trying to take it away from you and just make •• and say that they get to make the decision. And I think it's very important that you take a

look at the facts, you know, it's in their book of the issues that are involved, and please represent your constituents. Thank you.

P.O. CARACAPPA:

Thank you so much. Doug Dittko.

(Applause)

MR. DITTKO:

Good morning, members of the Legislature, Presiding Officer Caracappa. My name is Doug Dittko. I'm a Manorville resident and I'm President of the Manorville East Moriches Civic Association, I'm Vice President of ABCO, the affiliated Brookhaven Civic Organization, and a board member of the Open Space Council. All of these organizations have signed onto the Anti •Broadwater Coalition. Besides environmental problems, there are a lot of safety issues associated with LNG. This is an extremely volatile substance.

Should a facility such as Broadwater ever be allowed to be built in the middle of our beautiful Long Island Sound, there will be two to three shipments of LNG from foreign nations with foreign crews a week. These ships, when entering the Sound, will pass as close as to one mile from the shore. Additionally, they will come close to Plum Island. These ships are perfect targets for hijacking to be used as weapons.

Potential LNG hazards include pool fires, which occur when the combustible gas•air mixture burns above a pool of leaked LNG. The Congressional Research Service Report states that, "Such pool fires are intense, burning far more hotly and rapidly than oil or gasoline fires. Many experts agree that a pool fire, especially on water, is the most serious LNG hazard." It was also determined that such a fire could not be extinguished. It will burn until the LNG is used up.

The energy industry claims that because of modern technology and safety improvements, something like the Cleveland disaster of 1944, which leveled one square mile of the city, killing hundreds, or the Staten Island fire in 1975, which erupted when an out•of•service LNG tank that was being repaired killed 40 workers inside, couldn't happen today. However, the

Algerian explosion on January 19, 2004, which killed 27 and wiped out the facility, costing one billion dollars in property damage, destroyed the industry myth that LNG is safe. A Halliburton Company website states that the Algerian terminal was entirely updated in 1999 and praised the facility as a model of modern standards.

So, even with the latest technology, LNG continues to be a terrible threat. However, there actually have been 30 accidents on LNG facilities and carriers that I am aware of. All of these disasters were accidents, and in a post 9/11 New York, we now face the additional indisputable threat of terrorism as well, a fact that Broadwater does not deny.

I have a copy of a letter dated November 19, 2004, written to Patrick Wood, the Chairman of the Federal Energy Regulatory Commission, from Massachusetts Senators Kennedy and Kerry. One of the paragraphs states, and I quote, "Lastly, we have grave concerns about the economic impact, especially the cost of security measures to federal, State, and local governments. In the DEIS, FERC estimates that security costs are \$80,000 per shipment of LNG, with 47% of the cost being paid by local and State governments." For our region, considering two to three shipments a week, this translates to over 10 million dollars annually. Who is going to pay to keep us safe?

Considering that Broadwater is estimating an increase in future LNG demand, numbers that Richard Kessel, Chairman of LIPA, doesn't concur with, the risk factors associated with this project, experimental technology at best, make the Broadwater floating time bomb ill•advised for our Long Island Sound. And I think we have to consider one thing. Ten years ago, we were told that if Shoreham wasn't built, the lights would be out today. The lights are shining brightly and our quality of life is much better because Shoreham was not built. Thank you very much.

P.O. CARACAPPA:

Mr. Dittko, if you could, just one second. Point of personal privilege from my colleagues. At the last meeting, when one of your colleagues from the East Moriches Civic Association come and testified and said you'd done an in•depth study on Broadwater and I'd asked if you could send us that ••

MR. DITTKO:

Okay. I have ••

P.O. CARACAPPA:

We haven't •• we haven't ••

MR. DITTKO:

Okay. I have some of the stuff with me today, and anything else that I can get I'd be happy to send to you.

P.O. CARACAPPA:

We're just trying to get our hands on everything that we can to ••

MR. DITTKO:

Okay.

P.O. CARACAPPA:

•• study and research it.

MR. DITTKO:

Well, you know, waiting to do studies and stuff is exactly what Broadwater wants. I think, at this juncture, the best thing to do would be to find counsel that's familiar with FERC and make sure that the ability to stop this project is not out of local and State government's hands and into the federal government's hands.

P.O. CARACAPPA:

Well, we're trying to follow your point by getting all the information we can as soon as possible.

MR. DITTKO:

Okay. Thank you very much. I'll get it to you.

P.O. CARACAPPA:

And If you have some, we'd like that.

MR. DITTKO:

I gave you something today.

P.O. CARACAPPA:

Thank you so much.

MR. DITTKO:

Thank you.

P.O. CARACAPPA:

Ray Saltini.

MR. SALTINI:

Thank you very much. I hear, in fact, that that material may have been sent to the Legislators' offices through the mail.

I represent the Last Chance Coalition of Riverhead, and we have been meeting with many representatives from organizations, residents of Riverhead and the region to talk about how we need to oppose this project. Some folks have compared it to the Queen Mary II. We are comparing it to the Titanic, and we are actually asking for this body's support in sinking this ship long before it reaches our waters.

In public service, I think many of you I'm sure know better than I that there are often watershed events that mark an individual's career. These often sneak up on us. Broadwater will be, I think, an issue such as that. And long after this is decided, I think this body will be judged by what it did and when it did it with regard to Broadwater.

We respect the process and that this body would look to investigate the risks associated with the project. We ask that in particular you associate •• that you investigate the economic risks, which far outweigh any alleged benefits of the project. We look for your leadership on this. We look for your leadership on this issue now. Waiting until a Broadwater application is submitted to the federal government is too late. Your opposition will count

for nothing then. We need it now.

We ask that you help us now in this way, remove this issue from the table, act speedily, we need your leadership. There will be many activities that take place with regard to figuring out just precisely the rationale for opposing this project. But you don't need to know something is going to harm you •• you don't need to wait until something hits you over the head to know it's going to harm you, and I think that goes for all residents of Suffolk and the Long Island region. So, I thank you very much for your patience and consideration and leadership in advance.

[Applause]

D.P.O. CARPENTER:

Thank you. Next speaker, Sarah Anker.

MS. ANKER:

Hi. I'm Sarah Anker, Community Health and Environment, Mount Sinai. I wrote a letter to the editor a couple of months ago, more than a couple of months ago, when I first heard about this, and I just have a few questions for the Legislature I'd like for you to consider.

My greatest concern with Broadwater Liquified Natural Gas floating storage unit proposed by Shell Oil and TransCanada is safety and its impact on the environment, which, in turn, affects the economy of Long Island. And the question I have for every one of you here, since you are our leaders, is you need to think to yourself what is best for Suffolk County. You're here to represent Suffolk County. Is this terminal going to benefit Suffolk County in any way? If it is, yes. I know that Riverhead recently turned down, I believe it was 15, I could be wrong, 15 million dollars for their Town, you know, and it was money •• you know, money is not important than environment, or whatever, the economy.

You all need to consider •• I know you're waiting for facts and I don't have those facts sitting right in front me, but I can tell you I can see the harbor for miles and miles from my home, and I really don't •• I am not comfortable of it being right there. In my letter I put eight billion cubic feet

of natural gas concentrated within ten miles of where I live leaves me with the feeling of being vulnerable to disaster, be it natural causes, which would be a nor'easter, human misjudgment, or an act by a terrorist, the potential is there.

And you can look in the federal government, they do have a document, this Congressional Research Service Report on Liquefied Natural Gas, and they have a siting safety regulation that puts it way up on the charts as far as a terrorist target.

The other question I have is environmental issues. I did ask John Hritcko, I asked him at one of the first meetings when he had the civics together at Brookhaven, what is the environmental impact? I have to deal with LIPA, I have to deal with Northport. Those are huge pollution emission plants. He did not have answers. He didn't have answers on either the terminal itself or the huge tankers that will be coming in two to five days a week, probably a lot more, as many as they can get in. They've spent 700 million dollars and I'm sure billions of dollars for the overall project.

Again, the money, you know, what's more important in Suffolk County? We have a billion dollar tourism and fishing industry. Do you really think that it's going to affect that? Absolutely, it's going to be in the way of everything, and I really hope you consider the impact on that.

Is it a renewable energy source? No, it's not. It's not going in the right direction. And I'm so proud of the Suffolk County Legislature and what you guys have done with the toxic issues, the cleaners. Legislator Carpenter has put that through, and, also, Schneiderman has put through the pesticide. I mean, these are important environmental issues. This is not a very •• this is an important environmental issue to consider.

And again, I'm on the Community Advisory Committee for Brookhaven National Lab. Unintentional consequences, what •• okay. You know, you approve this or you don't approve this, or however you want to do this, what are the unintentional consequences? If it blows up, will it only affect a mile or two? I don't know. What will the waves •• you know, the tsunami situation, what's the effect? Will the natural gas blow over to where I live or surrounding areas? Again, safety issue needs to be considered.

So, I'm going to close. And, again, I ask you, do you feel this is the right thing for Suffolk County? Thank you.

P.O. CARACAPPA:

Thank you very much.

[Applause]

I have no further cards. Motion to close public portion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public portion is now closed. We're going directly to the Consent Calendar. I'd urge Legislators to report to the horseshoe.

LEG. VILORIA•FISHER:

Joe, good work. Two times in a row we'll finish the agenda before ••

P.O. CARACAPPA:

Well, let's see. Oh, I think you just jinxed us. I'll pretend I didn't hear you, Legislator Viloria•Fisher. Motion to approve the Consent Calendar by myself, second by Legislator Bishop. All in favor? Opposed? Abstentions?

LEG. VILORIA FISHER:

You've got to watch the Bishop's rule.

P.O. CARACAPPA:

The Bishop's rule, right.

LEG. TONNA:

Let's get this done.

MR. BARTON:

18.

P.O. CARACAPPA:

Well, I am going to try and break the record of last meeting, which was 12:05.

LEG. ALDEN:

Go for it, Joe.

RESOLUTIONS TABLED TO FEBRUARY 15, 2005

P.O. CARACAPPA:

Resolutions tabled, page 6. On **1086 (A Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act)**. Motion to table by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1592 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No • 3 Southwest with the owner of 110 Sand Company (HU•1040)). Is there a motion? Motion to approve by Legislator O'Leary, second by myself. Any other motions?

LEG. BISHOP:

What are we on?

LEG. MYSTAL:

Wait.

P.O. CARACAPPA:

I'm waiting for you.

LEG. MYSTAL:

Motion to table, you know that.

P.O. CARACAPPA:

Motion to table by Legislator Mystal, second by Legislator Alden.

All in favor on the tabling opposed? Note/note opposed in unique son note/note.

P.O. CARACAPPA:

Roll call.

[Roll called by Henry Barton, Clerk]

LEG. MYSTAL:

Yes to table.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

This is to table?

MR. BARTON:

Table.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

Motion to approve and a second. All in favor?

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. TONNA:

Oh, come on.

LEG. BISHOP:

Excuse me.

LEG. TONNA:

Come on, come on, move it.

LEG. BISHOP:

Just make sure you have all those come on, come on, move its from Legislator Tonna.

LEG. TONNA:

If this was golf season, you wouldn't even know that this resolution was here.

LEG. BISHOP:

My question is •• then I will ask my first question. Legislator Tonna, could you tell me what 110 Sand and Gravel is proposing, what the benefit is to Suffolk County, what the priority is that it's receiving? Do you have any of that information because I think that the Legislature should have that before we vote on it. And the point of these tabling motions made by Legislator Mystal and Legislator Alden, and that I've joined in, is that the County needs to have a priority plan for the capacity at Bergen Point and for the future Bergen Point. Without that, I think that voting these approvals piecemeal without a plan ••

LEG. TONNA:

Joe.

LEG. BISHOP:

Is poor policymaking.

LEG. TONNA:

I think that's all wonderful and good. I'm surprised, though, that somebody who is so motivated that you didn't even, you know, introduce any legislation with regard to developing a study, you know, you missed a study, a policy plan or anything else if this was so dear and near to your heart. And I think it's a great idea and I think Legislator Bishop I'd be glad to join you on that and table this for another cycle so that you do that.

I'll tell you what I did. I put in a bill that asked for more capacity which I hear you're also opposed to. So, you know, not only would it be a net gain to the County of about \$30 million with hookup fees and everything else, but it will at least be able to say instead of putting our head, let's say in the sand, that, you know, that we're actually going to do something, but at least a positive step of being able to deal with at least some of our capacity problem. Five million extra gallons, a good public works project, good economic development project and a net increase to the County revenue. This is actually a project that's going to make the County money, at least that's what I'm trying to do.

I would ask ••I'd be glad to table this and say Legislator Bishop, because I know, you know, you're such a bright man when it comes to public policy, that maybe I'd join you and find out what that criteria is. But I do •• and finally. The last thing is that economic development is an extremely important piece of what we do in the County with regard to sewer district hookups, and to tell you quite honestly, when people will complain about their tax rates and everything else, if we didn't hook up the Melville corridor in the last ten to 12 years and be able to have that boon of economic development, all of our taxes would be a lot higher. So I'm waiting for you to come up with some really great ideas, you know, with baited breath. Thank you.

P.O. CARACAPPA:

Legislator Bishop •• Binder then Bishop.

LEG. BISHOP:

You are particularly feisty and sarcastic this morning, Legislator Tonna, but I would offer this to you.

P.O. CARACAPPA:

Legislator Binder, please.

LEG. BISHOP:

Anything is better than the path that we've gone down so far where we've hooked in •• I'm sorry.

P.O. CARACAPPA:

Legislator Binder was next.

LEG. BISHOP:

I apologize.

LEG. TONNA:

I suggest you come in for a hearing exam also.

LEG. BISHOP:

I was so eager to respond to you ••

P.O. CARACAPPA:

You will have a chance. Legislator Binder.

LEG. BINDER:

Thank you. I would yield to Legislator Bishop, if you need to finish.

LEG. BISHOP:

No.

LEG. BINDER:

Okay. Feel better?

LEG. BISHOP:

My momentum is gone.

P.O. CARACAPPA:

That's what I was trying to do.

LEG. BINDER:

It's gone? Okay. All right. Let me answer at least partially Legislator Bishop's question. 110 Sand is a licensed landfill located on Park Drive in Melville. They're now authorized to discharge 55,000 gallons a day into the district. Because they have expanded •• they are expanding their landfill service they need to expand by 15,000 gallons. I don't know the number of people that work there, but I think it's substantial. It's an important business in the Melville corridor, the 110 corridor.

And as I say, often as painful as it might seem, I agree with Legislator Tonna about the need for expansion. I support his legislation that he's putting in to expand the sewer district. And the fact is that we would be paying higher taxes if we weren't expanding business and looking for economic development. This is economic development. They need to do this, they need to expand. And we should not be the barrier to its economic expansion of major businesses in Suffolk County. As I say, this is an important business and 15,000 gallons is a reasonable amount for them to ask to be able to expand their business, increase their bottom line, increase the taxes they pay and increase the number of employees they have. And so I would hope we'll pass this today.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Besides my earlier objections in terms of hooking up outside concerns before we hook up the people who've been paying for sewer district number three for years and never been connected, if you read the bill itself, in the whereas clause it says it would be beneficial to Suffolk County Sewer District number three, and Suffolk County, I do not know how increasing what they already have •• they already have some gallonage per day. They just want to increase it another 15,000 to make it to \$70,000 •• 70 thousand gallons a day. I don't know how is that going to be beneficial to sewer district number three except for the fact they get some more fee.

The problem still remains this is not an economic development, this is just

an expansion of an existing business. It's not going to bring anymore job or anymore benefit to Suffolk County as a whole. It's just an expansion of a landfill, again, it's a landfill. Now we are putting priorities on landfill over people's houses, which is ridiculous. This is a business that doesn't need this thing.

P.O. CARACAPPA:

Thank you. Legislator Bishop, did you want to speak again?

LEG. BISHOP:

Yes.

P.O. CARACAPPA:

Then Alden.

LEG. BISHOP:

Legislator Tonna is very enthusiastic about expanding the district. I wouldn't foreclose any option. I mean, obviously, Huntington wants sewers, why not put a plant in Huntington?

[Applause]

That would seem to me to be a fair solution.

LEG. BINDER:

They have a plant in Huntington Bay.

LEG. BISHOP:

But, in the meantime, it appears that what Huntington will do is send its representative to vote in favor of any project, no matter how absurd, strip clubs, Kentucky Fried Chicken ••

LEG. TONNA:

No, no, no.

LEG. BISHOP:

Anything that comes up, Indian restaurants, whatever is out there will be

approved and there is no plan, meanwhile, in the County. And what the Legislators from the sewer district are saying is maybe we ought to do this in a more rational basis, and that's why we continually push to table these resolutions. We need a plan, we need this administration to step forward and offer that plan. The previous administration didn't do it, and the previous administration before that didn't do, and the previous administration before that didn't do it, but somebody ought to do it.

P.O. CARACAPPA:

Legislator Alden, then Tonna.

LEG. ALDEN:

I'm glad to hear the support and enthusiasm from the delegation from Huntington, because I will support having your folks join in in the ad valorem tax. So, I think that if we extend that tax to everybody in the Huntington corridor and everybody up in the Huntington •• and that whole district, even in Babylon or wherever that we're extending the benefits from the Southwest Sewer District, I think that that will take a burden off the people that have been paying for about 40 years as far as ad valorem.

The thing that I heard that is a little bit troubling, when you start saying that •• you know, like we're trying to stifle economic growth, we're trying to stifle development, well, there's a little bit of a problem with that and that whole thought process. There's, number one, a problem with sewage treatment, and that's why some of those parcels that are empty right now up in Huntington have certain restrictions on them as far as how much development you can go on there.

There's another little thing that nobody ever •• and I wonder if you've even thought about it, but let's build more and more •• let's build skyscrapers, then, in Huntington, and let's add onto the Southwest Sewer District. Now we could have maybe 10, 15, 20, 30 40, 50, 100,000 more cars a day. Oh, let's see, what do cars burn? Hydrocarbon fuel. So, maybe there'll be a little bit more •• little bit more pollution from that. Maybe they have to heat the place and maybe they're going to burn oil, so let's have a little more pollution from that. Let's look like maybe The Valley in Los Angeles where you can't even go out in the morning without a smog mask on or some kind

of oxygen mask. Let's •• and you know what, then we can build a triple •decker Route 110 so we can handle the cars that are going to go into this economically developed area that we need so badly.

So, let's look at the whole problem instead of just coming in with •• you know, like let's put a little bit more of a burden on the Southwest Sewer District. That's pretty easy to just go and flippantly say that and then walk away from the rest of the problem, but there's a problem with transportation, there's a problem with pollution, there's a problem with the supply of energy, and there is a problem with treating the sewage that comes along with the development, so it's not just a one dimensional type of problem. But I'm glad that Huntington, especially wants to open themselves up to ad valorem tax, so I support that end of it.

P.O. CARACAPPA:

So, Legislator Alden, it sounds like you're for this bill.

LEG. ALDEN:

No, I'm against the bill.

P.O. CARACAPPA:

Yeah, I know. Legislator Tonna.

LEG. TONNA:

First of all, the ad valorem, I've been here 12 years, that's a great word. I have no idea what that means, but ••

LEG. ALDEN:

I can explain it to you. Your •• in your property tax ••

LEG. TONNA:

No.

P.O. CARACAPPA:

It's ad nauseam, which is what this debate is.

LEG. TONNA:

Anyway ••

LEG. ALDEN:

Paul, in your property tax, you get a little extra charge in there every month for your sewer district.

LEG. TONNA:

Oh, okay.

LEG. ALDEN:

So, I'm glad you guys want that.

LEG. TONNA:

So, I don't have one of those, I have to get my sump pumped every once in awhile, my, you know •• but, anyway, especially with seven kids. Anyway, but to go back •• yeah. Just to go back, I think there is something very positive here. And I can understand the Legislators from the Southwest Sewer District and concerns, and we're talking about a concern of equity, and I think those are really important things. And so what I would suggest, and I think Legislator Bishop, Legislator Alden, I'd be glad to join a group, maybe the Presiding Officer would put a committee together, or something like that, to look at like we did with the Greenways, that if we're •• if we're looking into the issue of expanding the Southwest Sewer District, that •• and I know I served with Legislator Alden and Legislator Bishop, I think the last time we talked about even sewer district issues, that maybe we could put something together and say, "You know what, you're right, I don't think Kentucky Fried Chicken, you know, serves an economic development," but there are obviously some projects that do, and so that we can maybe develop a criteria that could be then carried out, at least from the Legislative branch, with regard to the sewer district, sewer agency and other things.

And I would say the Walt Whitman Mall is a perfect example. The Walt Whitman Mall right now, and I •• is interested, Simon, the company Simon is interested in expanding the Walt Whitman Mall. We know that in Nassau County, Cerro Wire area, there's going to be a big mall there. There's going to be competition to draw people away from Suffolk County, you know, tax base with the •• with a new mall. And so the Walt Whitman Mall is very

interested in expanding a mere I think 50,000 gallons, which is not a big •• not a big nut. But, you know, with extra movie theaters, with, you know, extra restaurants, whatever else. That's the type of economic development we should be for. All right? It's already a corridor in that area, and it's only going to add to the tax revenue that all Suffolk County taxpayers will benefit from, not just the Town of Huntington or anything else like that.

So, I think we need to flesh these things out. We've probably been at, you know, what do they call it, a Mexican standoff for the last two or three years where we've been going back and forth with this interplay between the Legislators in the Southwest Sewer District and those from Huntington, so maybe it's about time that we try to put our heads together and follow Legislator Bishop's suggestion of putting some criteria.

P.O. CARACAPPA:

Okay. You know, you mentioned a committee. I think the committee that's •• relates to this is called Sewer Agency, and they're put together by Legislators, by the Executive, by the Health Department, by all members of this County government to do the lead work for us. That's why it was created. And I think we should take their recommendations, you know ••

LEG. BISHOP:

If I may on that.

P.O. CARACAPPA:

•• and deal with them like we are here. But to create another committee, my point is, I think would be just an added waste of time.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

Legislator Bishop, then Mystal.

LEG. BISHOP:

I'm sorry.

P.O. CARACAPPA:

Mystal, then Bishop. Sorry.

LEG. MYSTAL:

I'm going to let Legislator Bishop address the issue of the committee. But I want to take up on your •• Legislator Tonna in terms of the Walt Whitman Mall. This is exactly what I call power racism. When it was being •• when we were putting the sewers in for Walt Whitman Mall, one of the things that we talked about was, okay, now where •• since we're going to put that, we will be able to connect Wyandanch, because we have to go by Wyandanch to connect Walt Whitman Mall. Guess what? At the end, Walt Whitman Mall got connected, Wyandanch never got connected, because that was part of the deal. The deal was that, you know, let's do this ••

LEG. TONNA:

Never heard that.

LEG. MYSTAL:

No. See, this is what was going on at the time. Let's do this, then we will have •• Peter Quinn is right here and he knows what I'm talking about. It was like, you know, let's hook up Walt Whitman Mall. That was before you came here.

LEG. TONNA:

Oh, okay.

LEG. MYSTAL:

Let's hook up Walt Whitman Mall, that way we have the pipes going around Wyandanch anyway, so we can hook up Wyandanch. At the end of it, we all agreed to it, it's a good thing, because Wyandanch has been paying for that sewer for 30 years. They built the pipe, put it in the Walt Whitman Mall, bypassed Wyandanch altogether, and we're still trying to hook up Wyandanch. Now, I'm going give the time to Legislator Bishop to answer you and the committee. Go ahead.

LEG. BISHOP:

Yes, thank you. You're managing the bill. Joe, the answer on the Sewer

Agency, which I have served on, I think you've served on in the past, is that it's very limited in scope. When you raise broad policy questions at the Sewer Agency, you're told that that's not really the role, the role is to consider the technical feasibility of a project, which I always found interesting that I sat on a committee considering technical feasibility when I had zero ability to determine the technical feasibility.

P.O. CARACAPPA:

Well, if you listen to the technocrats on that the committee, they would tell you that then it becomes that. If you choose otherwise, then you can •• you can actually effect change on the policy and sewer hookups.

LEG. BISHOP:

Well, what I'm suggesting, then, is that it's going to be a reluctant vehicle to get the change that we're •• that we're advocating, yes. Thank you.

P.O. CARACAPPA:

Yes, that's true, they would be reluctant, but it is •• my point earlier by raising the Sewer Agency was that's where this is hashed out, these hookups, if they're good or bad. Okay. Anyone else? There's a motion ••

LEG. MYSTAL:

Just one last •• one last observation for everybody, and I want •• I think five years ago, maybe in 1997, 1995, when we asked the Sewer Agency how much capacity we had left, the number was given to us at about what, 25, 27,000 we had left. Seven years later, we're still getting the same number, we've got 25. We hooked up a whole bunch of things, we still got the same number going on. Something is not right.

P.O. CARACAPPA:

Okay. There's a motion and a second to approve.

LEG. TONNA:

What's the name of that tax?

P.O. CARACAPPA:

Ad valorem, like ad nauseam.

P.O. CARACAPPA:

Okay. There's a motion and second to approve. Roll call it.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Abstain.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved. ***1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington).***

Motion to table by Legislator Binder, second by myself. All in favor?

Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

1928 (A Local Law to establish smoke free school bus stops in Suffolk County) Legislator Tonna.

LEG. ALDEN:

I would just ask that you ••

LEG. TONNA:

No. I'm going to table.

LEG. ALDEN:

I'm still waiting.

P.O. CARACAPPA:

Okay. Motion to table, Legislator Tonna.

LEG. TONNA:

Yeah.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

I know you guys are working on some sort of compromise.

LEG. TONNA:

We haven't started, but we will.

P.O. CARACAPPA:

You will, good. At least you're talking. **1981 (A local law to update Suffolk County Living Wage Law).** Legislator Bishop, what's your pleasure?

LEG. BISHOP:

Table, please.

P.O. CARACAPPA:

Table. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1992 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 270 South Service Road (HU•1470)

LEG. BINDER:

Motion to approve.

LEG. MYSTAL:

Table.

P.O. CARACAPPA:

Motion to table by Legislator •• can we leave the debate out of it this time, just up and down?

LEG. MYSTAL:

Yes.

P.O. CARACAPPA:

Motion to table by Legislator Mystal, second by Legislator Alden.

LEG. BINDER:

Motion to approve.

LEG. TONNA:

Second.

P.O. CARACAPPA:

And there's a motion to approve by Legislator Binder, second by Legislator Tonna. Motion to table is first. All in favor? Just raise your hands if you're

in favor.

LEG. LINDSAY:

To what?

P.O. CARACAPPA:

To approve •• to table. Oh, to table. To table, just so you can count. One, two, three, four, five, six, seven, eight, nine.

LEG. TONNA:

Abstain.

P.O. CARACAPPA:

To table, it's 10. Yeah, it's 10.

LEG. BINDER:

He didn't call it. Roll call, Mr. Chairman.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

This is to table? Oh, no.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes. You know, I'm going to change my vote not to table it.

MR. BARTON:

Okay.

LEG. KENNEDY:

Yes to table.

LEG. MONTANO:

Yes to table.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes, yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

Oh, nine. Someone changed their vote. It fails. Motion to approve. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Pass, please.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Abstain.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Abstain.

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

Abstain.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved. **2144 (Directing the Legislative Office of Budget Review to conduct an economic analysis of the financial implications of the closing of adult homes.)** Legislator Schneiderman, you're withdrawing this? We did approve it in the Budget Review Steering Committee for this to go through.

LEG. SCHNEIDERMAN:

Oh, it has.

P.O. CARACAPPA:

Yeah, this morning, this morning we approved to move forward with this.

LEG. SCHNEIDERMAN:

Mr. Clerk, I will withdraw this resolution.

P.O. CARACAPPA:

2264 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (land of South Oak Lane, East Islip • Town of Islip)). This is •• this bill has been approved. We did the Legislator Alden's version last meeting, so I guess I'd just make a ••

LEG. BINDER:

Table subject to call.

P.O. CARACAPPA:

Table subject to call would be appropriate. There's a motion to do that, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

And **2313 Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund**

to the Suffolk County Department of planning for a study on the effects of the duck farming industry on Long Island).

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Fisher.

LEG. ALDEN:

Motion to table.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Alden, second by Legislator Binder.

LEG. FOLEY:

On the motion, Mr. Chairman.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Each of us have •• each of us has received a letter from the Department of the Army, the Corps of Engineers, New York District. It outlines the urgency of supporting this resolution today. If you go to the third paragraph, it mentions that this project is now competing against other studies within New York and the nation, and that's imperative that non•federal funds are made available, otherwise, otherwise we could

lose this funding and the funding would be utilized elsewhere in the country.

It goes on to say, because of the high competition for these funds, it's likely that if we do not execute an agreement soon, the funds will be reprogrammed, to use bureaucratese, be reprogrammed, in other words lost to this area of the country. So, I would hope, given the small amount of money we're speaking of, \$22,000, which would be matched by federal funding if we approve this today, or rather in-kind services, I would hope that we could approve this to move forward with this particular study.

P.O. CARACAPPA:

I'll put you on the list.

LEG. SCHNEIDERMAN:

Put me on the list, Joe.

P.O. CARACAPPA:

Yeah. There's a long list growing. My point would be, seeing that this is a little controversial by way of funding, why don't we just do a CN today to use \$23,000 from pay-as-you-go monies, and it won't be in jeopardy anymore and we can move forward, instead of having this political match back and forth and then possibly forego this money. We have a tremendous opportunity and ability through the General Fund this year to make this happen. So, without the political wrangling, without the standoff, we can make this happen one, two, three. So, I'd ask the County Executive to consider that and possibly bring a CN over using pay-as-you-go funds to make this happen. Legislator Alden.

LEG. ALDEN:

I was going to basically go in that route. And I'm a little disappointed that the County Executive didn't bring a CN already, or offer a CN changing the funding source, because of the, I guess, impending peril of the federal funds to this. But there's another route to go, too. If the County Executive chooses not to go that route and bring the CN over, Legislator Schneiderman is prepared to offer a resolution that mirrors this, but with a different funding source, and I would hope that everyone would support that and we could expedite that resolution.

P.O. CARACAPPA:

Legislator Binder, then Lindsay, then Schneiderman.

LEG. BINDER:

Thank you, Mr. Chairman. During committee meetings and during other opportunities, the County Executive's staff has been told by us, I think a number of us, that they need to find another offset. We're talking about \$22,000 in a two•and•a•half billion dollar budget. Legislator Foley reads a letter and talks about how imperative it is and we could lose funding and they can go somewhere else. It would seem that the only question is whether the Legislature is moved by such an urgency, not whether the County Executive and his people are moved by the urgency, because, obviously, they're not if they can't come in with 22,000 from somewhere else.

Presiding Officer suggests pay•as•you•go, one of many, many funds, and I would ask that they not try to do it out of 456 funds, which I guess is their proclivity, that of the Legislator's funds. But it would seem to me that there's basically funds to use in many places in this budget, and if it is important to the Executive, then we'll see it come over. If it isn't, then we lose these funds, and it's not because of Legislative •• a desire to lose them, it's just because the County Executive didn't want to give us a fund that we feel we can vote for. He knows how to get the vote, he knows how to get a majority, he knows how to get this done, and he knows how to get this planning and funding going. So, if he'd like to do that, then we're sitting here waiting for him, and I hope he'll take up the Presiding Officer's challenge and come up with a CN with pay•as•you•go funds or some other funds that he deems appropriate.

P.O. CARACAPPA:

Thank you. Legislator Lindsay, then Schneiderman.

LEG. LINDSAY:

Yeah. I see Mr. Isles at the microphone and I wonder if we could hear from him as far as the administration's position on this, with your permission.

P.O. CARACAPPA:

Mr. Isles.

MR. ISLES:

Thank you, Mr. Lindsay, and members of the of the Legislature. I'm sorry.

P.O. CARACAPPA:

Go right ahead.

MR. ISLES:

Okay. I'll keep it brief. Just a couple of things to add to what's been said that I've heard today, and, plus, it was discussed at committee last week. I just want to make it clear that one of the issues raised, and I did have a chance to review Counsel and Budget Director's memo on the 477 Fund towards the end of last week, this recommendation to fund the Duck Farm evaluation is part of the South Shore Estuary Reserve Management Plan. There are numerous references.

I have somebody from the Planning Department on their way over with copies of this to provide to you. But just to give you one specific recommendation, Recommendation 614 of the management plan calls for analyzing duck sludge deposits as potential pollutant concerns. So, we feel that there's a very direct connection to the management plan that's •• that is totally consistent with the resolution and the memorandum from Legislative Counsel.

And here again, just keeping this brief, just two other points. The committee did suggest last week using alternative funding. I checked within the County Planning Department budget. As of today, I have exactly \$5,000 available for consultant services that could be used for this nature, I do not have \$22,000.

And the last point I just wanted to make is that the issue of the Duck Farm reuse is we believe a very significant matter of nonpoint source pollution concern. We own, Suffolk County owns five former duck farms at this point. We've identified, in a seminar we ran last week, there are literally millions of cubic yards of duck sludge that we feel have to be addressed in

this County, and has a direct relationship to water quality.

Just in summary, this is something we realize is not a giant amount of money. We feel it's an important preplanning step. We feel we've done due diligence in terms of substantiating the relationship to a management plan. We also feel that the •• in terms of the alternative funding, at least speaking for the Planning Department, I certainly can't represent to you that I have it.

I realize you're asking questions and looking at the overall program and the importance of that, and we just ask for your consideration today and the importance of this. And, frankly, I'm also hoping that •• the Army Corps has expressed a very strong interest in this. They have a very strong interest in environmental programs in Suffolk County. Although this is a small amount of money for them, what I'm hoping for is that they also have construction money. We've talked to them about the Gallo Duck Farm that we own in East Patchogue. Here again, we own other •• four other duck farms. My hope is that by getting the Army Corps interested in this program, we can get them to fund remediation to the tune of perhaps million of dollars down the road for both site remediation and dredging of sludge materials. Thank you.

P.O. CARACAPPA:

Thank you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First off, let me just say that I share the Legislature's concern about the potential improper uses of the 477 Fund. I think it's imperative that they do go toward water quality projects, as they were intended. There may be some reservations about this particular project. I happen to think this does qualify. And there are time constraints attached to this because of the Army Corps. However, it may be too quick to have everybody review it to the extent that they would feel comfortable, and it is not a lot of money, so there are other sources of funding, I believe.

I have a resolution prepared, with the Presiding Officer's permission, that we

could introduce as a late•starter today that would fund it as a pay•as•you •go project. I've also talked yesterday with the County Executive directly about this, about doing a CN. He was not inclined to do this as a pay•as •you•go CN. I asked him to come up with another source of funding. I don't know that we're going to see a CN on this issue.

I also spoke with Kevin Law on this issue, and I do not know if we're getting a CN. If we do not get a CN with another source of funding, we can do this as a late•starter, or the Legislature can move the resolution, unless it feels uncomfortable in doing that.

P.O. CARACAPPA:

Thank you. Legislator Alden.

LEG. ALDEN:

I have a question of Budget Review. Jim, when the initial legislation was enacted, it required, and it was mandatory in there, not optional, to set up certain bookkeeping, so that we can keep track of this, so certain accounts had to be set up. Has this administration set those accounts up or that accounting system up?

MR. SPERO:

Those funds haven't been created yet, to my knowledge, so it has yet to be done.

LEG. ALDEN:

Thanks. It's really improper to even use any of the money until all those systems, the checks and balances and everything has been set up properly.

P.O. CARACAPPA:

Okay. Legislator Bishop, Then Foley.

LEG. BISHOP:

Is Commissioner Isles •• there he is. Do you have •• first of all, on this particular study, is this study exactly what the South Shore Estuary has recommended?

MR. ISLES:

I think it's as close as it could possibly in terms of ••

LEG. BISHOP:

Well, exact is a tough word.

MR. ISLES:

Yeah.

LEG. BISHOP:

All right. But, I mean, it's ••

MR. ISLES:

There are a number of reference within the South Shore Estuary Management Plan that directly relate to the issue of duck sludge, remediation of former duck farm sites, so I think it's a very appropriate match.

LEG. BISHOP:

I guess what •• to rephrase, and it was a poor question, is this a remediation study, is this a study to consider how are we going to remediate this?

MR. ISLES:

Absolutely.

LEG. BISHOP:

That's the topic of the Study?

MR. ISLES:

Right. These are sites and waterways that are heavily degraded and affected by former duck farming.

LEG. BISHOP:

It's not a land use study, in other words, it's not what are we going to do with this land in the future, it's how are we going to solve this pollution problem?

MR. ISLES:

Exactly.

LEG. BISHOP:

Okay. Well, that's persuasive and that persuades me to change my opinion on it. However, I think that in general, what we need is a rule of them on this fund, if not codified, at least understood. And there's a reluctance in this Legislature to spend money on projects that are attenuated. For example, we're funding golf course employees, because those employees allow the golf course to do a more organic approach to landscaping. Now, is that a remediation project, or is that, you know, more properly ••

MR. ISLES:

The best management practice.

LEG. BISHOP:

•• right, funded out of the general, and that's the ongoing debate that we're struggling with. So, I think that, you know, from taking a step back, what we ought to be discussing is how can we come up with some rule that will keep the fund focused on its purpose, which is to remediate pollution.

MR. ISLES:

Here again, I understand the larger concern of the Legislature. It's obviously an appropriate policy area to discuss. We feel, in this case the County Planning Department, that this is an appropriate connection, it's a remediation. It's an opportunity with federal involvement that we hope grows into a much larger role, and we feel it's very directly connected to remediation improvement, not of just some speculator properties out there in Suffolk County, but properties that this County owns.

LEG. BISHOP:

Okay. Thank you.

P.O. CARACAPPA:

Okay. Legislator Foley and Lindsay.

LEG. FOLEY:

Yeah. The good attorney that Legislator Bishop is, he anticipated my questions, if not the answers he was given, but I'm satisfied with the answers given by Mr. Isles, particularly, that it's in •• it is in keeping with the spirit and the letter of the intent of the 477 Account.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I was going to echo similar thoughts. I don't think we have a problem with the project, I think we have a problem with the funding source. And to me the connection has to be is this project going to improve the quality of our water, whether it be groundwater or whether it be our bays, or whatever. I think that's the connection. And we seem to be hung up on that the only way we can spend this money is by via subcontract to outside groups, and I disagree with that. I think if we can spend some of this money and keep some of our own people employed to do this vital work, I think we should go along with it.

P.O. CARACAPPA:

Well, that's the catch 22. Spending the 477 money for County salary, that's where we get into the disagreement. Some feel that seeing that it's attached to the project as a whole, it qualifies, others feel it sets a very dangerous precedent for •• and opens the door for dipping into this account, where •• in the future for salaries, where it's really not appropriate, and again, we set a dangerous precedent. So, that's where we are. There's a motion to table and no other comments, so I'll ask for a roll call.

LEG. SCHNEIDERMAN:

Well, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'd like to know if we have a CN coming on this issue with the different

funding source.

P.O. CARACAPPA:

Well, we've asked on several occasions •• oh, Miss Dillon.

MS. DILLON:

I've spoken with the County Executive. He's unwilling to issue a CN on this resolution. He doesn't want to use pay•as•you•go or capital funds to pay for this project.

P.O. CARACAPPA:

We appreciate that.

LEG. SCHNEIDERMAN:

I suggest we do this as a late•starter, then.

P.O. CARACAPPA:

I'll allow it as a late•starter, sure.

LEG. SCHNEIDERMAN:

Thank you.

LEG. FOLEY:

Just on the question, Mr. Chairman.

P.O. CARACAPPA:

Sure. Legislator Foley, go right ahead.

LEG. FOLEY:

Thank you. If this is •• as much as I'll be opposing a tabling, and I wish we could approve it, if this is tabled today, what likelihood is there that it's going to harm the project? For instance, the Army Corps mentions that there is urgency, but they didn't give a time and date certain. If we could hear either from Mr. Davis or from Mr. Isles on that.

MR. ISLES:

In my conversations with the Army Corps representatives, they indicated, A,

the funding for this year is less than what they thought they were going to get.

LEG. FOLEY:

Yes.

MR. ISLES:

And then, B, the funding for next year is zero at this point ••

LEG. FOLEY:

Right.

MR. ISLES:

•• in the federal budget.

LEG. FOLEY:

Right.

MR. ISLES:

They've also indicated to me that there's a waiting list of other projects that are seeking this money.

LEG. FOLEY:

Right.

MR. ISLES:

They will hold it as long as they possibly can. We had hoped for an approval of this last month, we hope for approval today. Without this, certainly, we don't know if the funding will be available in the future at this time.

LEG. FOLEY:

Did they ••

LEG. BINDER:

Mr. Chairman.

LEG. FOLEY:

Just if I may follow up. Mr. Isles, did the Corps give a •• give a, forgive the term, but a drop•dead on this?

MR. ISLES:

I don't believe they did.

LEG. FOLEY:

All right. Because I look at the February 14 letter, it does mention about, you know, I'd say there is time urgency, but it is not date specific. However, we don't meet for another month, I mean, that's part of the problem that we have.

MR. ISLES:

Yeah. I don't think they can say with certainty in terms of an absolute cutoff. They've said to us a couple of times that there's pressure on them. If they don't spend money, A, it looks bad for their region. They have others who want the money, including Upstate, New York, and so forth. That's all I can really tell you, I can't give you a date certain.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Mr. Isles, if I contact the core and tell them this Legislature is fully committed to the project one way or another, it's just a matter of straightening out the funding source, do you think that will go a long way in getting them to commit?

MR. ISLES:

Well, I think it would certainly help. I can't •• I can't speak for them as to whether or not, with all the pressures that they have that would cause them to hold the money or let the money go. It would be better than nothing, but here again, I can't say it's a certainty that it's going to happen.

P.O. CARACAPPA:

Well, I'll be doing that, just so this Legislature knows. Legislator Binder.

LEG. BINDER:

That's what I was going to ask you to do, if you could write that letter, let them know when the next meeting is, let them know that you have an expectation that Legislator Schneiderman's legislation is going to pass. I don't know if you want to put a question as to whether we get it signed or not, but if it's •• if it's needed quick, we can •• the County Executive can sign it in short order and we can get it to them.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I feel very deeply troubled at the inflexibility on the part of the County Executive to listen to the Legislature as far as a small amount of money. And there's been a proposal that's been thrown at the committee level and at the last Legislative meeting to get this done, everybody seems to want to do that in the Legislature, but the inflexibility, as far as the County Executive, to go into another subfunding source.

And I'm going say that •• I'm going to tie this into another thing, because there was an opportunity for the County of Suffolk to save hundreds of thousands of dollars by paying out of cash for projects that's going to be done in the sewer district, yet the County Executive insisted on going to Wall Street and costing all the fees that are associated with that to borrow the money to do a project where we had the cash to actually do it. So, I'm very troubled at the inflexibility and really the conscious decision to lose this federal program, to lose this. To be that inflexible, the County Executive will absolutely lose this benefit to Suffolk County people, because he doesn't want it changed over to the proper funding source. And that's not a question, that's a statement. It doesn't need a reply. It doesn't need a reply.

P.O. CARACAPPA:

No, I wasn't going to give a reply, other than just restate my comments from the beginning of this debate. I am going try and get this done and put the politics aside and come up with an offset that everyone can agree on,

and in the meantime, write to the Corps of Engineers and let them know that this Legislature by our next meeting will be committed to this project one way or another.

LEG. CARACCILOLO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

When was this funding made available to the County of Suffolk.

P.O. CARACAPPA:

From the Corps, it's matching, and we all received a letter. It's here somewhere.

LEG. CARACCILOLO:

No, I'm aware of the recent correspondence. When did the federal funds become available? When did the administration know that they had this money that we could match? When, a week ago, a month ago, a year ago, when? Does anybody know?

P.O. CARACAPPA:

I certainly wouldn't.

LEG. CARACCCILOLO:

Anybody in the audience know?

P.O. CARACAPPA:

Mr. Isles.

MR. ISLES:

The discussions that I'm aware of in terms of with the Army Corps, initial discussions began in October in terms of the specific project, that came about in December of 2004.

LEG. CARACCIOLO:

Okay. So, we've had three months, at least, to work out this funding source. I would underscore what Legislator Alden stated and the Chair stated, it's incumbent upon the administration to step up to the plate and resolve this issue posthaste, a CN today. If not, the responsibility clearly falls on their shoulders.

MR. ISLES:

A bill was put in for consideration in January.

LEG. CARACCIOLO:

No. I'm aware of that, Tom.

MR. ISLES:

Obviously, there's an argument over the program, but just so you know.

LEG. CARACCIOLO:

Well, you know, the people of Suffolk County elect elected officials to get things done, not to haggle, not to, you know, squabble over which funding source. This is an environmental issue. If it's not done, if we lose the federal funding and we have to foot the bill ourselves, I'm sure we'll do that, but the responsibility for not making the federal funds available to the County of Suffolk will be Mr. Levy's, no one else's.

P.O. CARACAPPA:

Thank you. There's a motion and a second to table. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No to table.

LEG. LOSQUADRO:

Yes to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes to table.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

It's tabled.

INTRODUCTORY RESOLUTIONS FOR THE FEBRUARY 15, 2005
MEETING OF THE SUFFOLK COUNTY LEGISLATURE
BUDGET AND FINANCE

P.O. CARACAPPA:

Moving on, Page 7, Introductory Resolutions, Budget and Finance. ***1010 (To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer By: County Legislature #204.)***

LEG. TONNA:

See, I'm capable of a partisan vote, you could see that.

P.O. CARACAPPA:

Motion. I thought that was a bipartisan vote.

LEG. TONNA:

Yeah, right.

P.O. CARACAPPA:

Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1050 (To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer By: County Legislature #205). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1051 (To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer By: County Legislature #206). Motion by Legislator Caracciolo, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1086 (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase and installation of playground equipment in Suffolk County parks, customized for disabled young children (CP 4815)). I am going to make a motion to table for one more cycle.

LEG. CARACCILOLO:

Second.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. I received a phone call from the County Executive last evening and he asked us to work a little further on this for one more cycle, and I'm •• in the spirit of true cooperation, I'm willing to do that, instead of digging my heels in.

LEG. TONNA:

I don't know if it's true cooperation, but how about just cooperation.

P.O. CARACAPPA:

It's cooperation, sure. Okay. So, the motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

2104 (A Local Law to ensure that Suffolk County hotel/motel tax funds benefit Suffolk's tourism). Motion by •• is there a motion?

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Jay, is that the motion?

LEG. SCHNEIDERMAN:

Yeah, that's the motion.

P.O. CARACAPPA:

Motion.

LEG. SCHNEIDERMAN:

Yes, motion to approve.

P.O. CARACAPPA:

Second by ••

LEG. BISHOP:

Explanation.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. CARACAPPA:

Is there a second?

LEG. BISHOP:

I'm sorry.

P.O. CARACAPPA:

Second by Legislator O'Leary. Explanation, please.

LEG. BISHOP:

Please, either Counsel or the sponsor, whoever's quicker there, explain.

LEG. SCHNEIDERMAN:

Okay. It's pretty straightforward law. It doesn't require our designated tourism promotion agency to do anything that they're not already required to by, but it is a clarifying resolution. It prohibits the commingling of private funds with public funds, and it prohibits the steering of public funds toward •

- to unduly benefit individual businesses.

LEG. BISHOP:

Okay.

P.O. CARACAPPA:

Clear enough? There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

Environment, Planning and Agriculture. ***1057, 57A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with improvements to active parklands/recreation areas at Nautical Park, Village of Amityville (CP 7178).*** Is there a motion?

LEG. MYSTAL:

Oh, I'm sorry. Motion.

LEG. BISHOP:

Second.

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

There's a motion to table by Legislator O'Leary.

LEG. BISHOP:

To table?

LEG. MYSTAL:

Table?

P.O. CARACAPPA:

Motion to table ••

LEG. ALDEN:

I'll second the motion, too.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. ALDEN:

But can we have an explanation of this?

LEG. BISHOP:

I'll •• if I may.

LEG. MYSTAL:

Counsel.

LEG. BISHOP:

This is ••

P.O. CARACAPPA:

Legislator Bishop, go ahead.

LEG. BISHOP:

This is Legislator Mystal's resolution on a project that was initiated when I was the Legislator who represented Amityville. I no longer do, thanks to your handiwork. No, I'm pointing at Legislator Binder.

LEG. ALDEN:

Elie's handiwork.

LEG. BISHOP:

Well, whoever, whoever your map•maker is.

LEG. ALDEN:

Elie.

LEG. MYSTAL:

That was Montano.

LEG. BISHOP:

Anyway, it's a Greenways partnership with the Village of Amityville. The

land has already been acquired by Suffolk County. There's already a partnership agreement between the County and the Village, and now the Village has proceeded in implementing the agreement and is seeking reimbursement up to the authorized level. So, in other words, they're •• this is the very last step in the process, they're just getting the money back for the portion that the County's willing to fund.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Why is it amending the 2005 Capital Budget?

LEG. BISHOP:

That one I don't know.

LEG. FOLEY:

Let's get an answer, come on.

LEG. ALDEN:

Well, if you're going to amend it, you're going to •• obviously, you're taking money from some other project.

LEG. BISHOP:

No. He's drawing down from the ••

P.O. CARACAPPA:

There's an offset ••

LEG. MYSTAL:

Can I get Jim Spero to insert, because he drafted the bill.

P.O. CARACAPPA:

Obviously, because we didn't budget in last year's capital budget, so now that they want to give the money, you amend it to find the offset.

LEG. MYSTAL:

You amend it to amend the offset.

P.O. CARACAPPA:

That's why it's amended. And the offset is ••

MR. SPERO:

It's the Legislature's offset for capital project that was established for this purpose.

LEG. BISHOP:

You know, I thought there is a •• I thought there's a fund we ••

P.O. CARACAPPA:

The capital ••

LEG. BISHOP:

We have a specific fund •• I can't hear what you ••

P.O. CARACAPPA:

It's used up.

LEG. BISHOP:

Oh, it's used up? How could it be used up?

P.O. CARACAPPA:

We did increase the amount for these matching funds, but there's no more set account for it. We do have a Legislature Capital Budget offset account, which this is.

LEG. BISHOP:

We have a policy, but nowhere ••

LEG. ALDEN:

I have one follow•up question. Jim, how does that •• how does that affect other projects that might be in the works, if we've used up the fund and now we're going into ••

MR. SPERO:

Well, it's the Legislature's policy choice is to use these funds to offset capital projects that come up during the year. So, when the fund is used up, then there'll be no offsets available.

LEG. ALDEN:

And now we're going into •• what are we using as an offset? I missed what we're using as an offset for this.

MR. SPERO:

The is a capital project the Legislature established just for this type of purpose, to offset items that come up during the year.

LEG. ALDEN:

And how much money is in that account?

MR. SPERO:

Three•and•a•half million dollars.

LEG. ALDEN:

How much would be left after we do this?

MR. SPERO:

Three•million•two•hundred•and•fifty•thousand.

LEG. ALDEN:

How many things in the pipeline?

MR. SPERO:

This is the only one that I'm aware of at this time.

LEG. MYSTAL:

In other words, it's well covered, Alden, it's very well covered.

LEG. ALDEN:

It might be, but I'm not so •• I'm 100% convinced on that. All right .

P.O. CARACAPPA:

Okay. There's a motion •• Legislator Mystal.

LEG. MYSTAL:

Yeah. I wanted to ask Legislator O'Leary, since he made the motion to table, what the objections were.

LEG. O'LEARY:

Primarily, Legislator Mystal, the question of the offset and the explanation that was given by BRO, there was some question during committee with respect to this project. It was discharged without recommendation, and it begs the question why it was not kept in committee to advance these issues.

LEG. MYSTAL:

Are there any issues that are outstanding that you would like to be answered, or have you been answered, any issues been answered, you know?

LEG. O'LEARY:

Well, I was under the impression, and I'll ask BRO of this, Jim, I mean, are these monies earmarked for traffic safety purposes in any way, shape, or form?

MR. SPERO:

Yeah, they're for any general purpose the Legislature chooses to use it for.

LEG. O'LEARY:

Any general purpose? And it's monies for use within County parks; correct?

MR. SPERO:

Not necessarily.

LEG. O'LEARY:

Any project whatsoever. Okay. Thank you.

P.O. CARACAPPA:

I'm sorry. Everyone spoke? Legislator Bishop, go right ahead.

LEG. BISHOP:

When we established the Greenways Program six, seven, years ago, after that, soon after that, it became apparent that many of the local governments that we were partnering with didn't have the wherewithal to bring these projects to fruition, so Legislator Haley, and I cosponsored, established a capital fund which would provide up to at that time I think it was a hundred or a \$150,000, it was subsequently increased to \$250,000, matching grant from the County to the local partner, and that's historically what we've used over the years to bring these projects forward. Apparently, that capital fund, not by choice of the Legislature, not on purpose, but through operation of law over time, expired. It wasn't drawn down to zero, there was still money left over in it. So, what we ought to •• you know, what we'll need to do in the Capital Budget is to replenish and reestablish the fund. But it was never the intention of the Legislature, that I know of, maybe somebody has a different opinion, to end that fund. You know, it's been successful, the Greenways Program has been successful, and that's typically how we would fund a project like this. So, I guess we're in that short period of time between the beginning of the year and May when we do the Capital Budget where there's •• where we have to use this other fund rather than the one that we would typically use. Does that make sense?

P.O. CARACAPPA:

Legislator Alden.

LEG. BISHOP:

Thank you.

LEG. ALDEN:

Maybe Legislator Bishop can answer it, or Budget Review. Is this borrowed money that's sitting here as cash, or is this an obligation that we would go out and bond to actually pay for the project?

MR. SPERO:

Yeah, the County will bond to raise the cash for this project when the cash is

needed.

LEG. ALDEN:

So, is it •• now I'm a little bit more confused. Is there cash sitting in this account or no?

MR. SPERO:

No, there isn't. This is creating a capital project ••

LEG. MYSTAL:

It's a capital account.

MR. SPERO:

•• authorization and authorizing the Comptroller to issue bonds for this project, and when the cash is needed for the project, he will issue the bonds.

LEG. ALDEN:

Okay. When •• now, when you said three point something million, that's what we authorized, that's what Bishop and Haley went and put in?

MR. SPERO:

No. The three•and•a•half million is an offset project for the Legislature ••

P.O. CARACAPPA:

That we put in ••

MR. SPERO:

•• to use at its discretion.

P.O. CARACAPPA:

•• in last year's capital budget.

LEG. ALDEN:

All right. So, now we're getting back to my original question. So, there's a capital project that we authorized, now we're going to basically do away with that capital project and we're switching the money over to this.

MR. SPERO:

No. There's no money in the Capital Budget for the project •• for this project, so we need to offset it from the Legislative offset account.

LEG. ALDEN:

I'm still not •• I'm not getting the right answer, I don't think. Amending the 2005 Capital Budget. What was in the Capital Budget, then, that would give off this kind of cash to do this project?

P.O. CARACAPPA:

Our offset account for which we established at •• when we did the budget. There's no project assigned to this project number. The project number is related to a pool of money that this Legislature will use for offsets for projects within our districts throughout the year.

LEG. ALDEN:

I'd almost like to make a motion to send this back to Public Works to have a whole study done on that pool of money, but ••

LEG. BISHOP:

But what study? That was ••

LEG. ALDEN:

•• I'll hold off on that, but if we can get some answers before maybe next cycle on ••

LEG. MYSTAL:

Legislator Alden.

LEG. ALDEN:

•• what else is in here and ••

LEG. BISHOP:

There's nothing else in there.

LEG. MYSTAL:

Legislator Alden, I don't think •• I think what you're missing is that we, as a Legislature, establish a pool of money for us to use at our discretion on capital projects. It doesn't designate what the capital project is, it's just a pool of money that is sitting there and we decide as a Legislature when things come up during the year that we can dip into that pool to get the project done that we want to be done. It is not something that is •• we're not taking anything •• taking anything away from anybody, we are not replacing any other projects, it's just a pool of money that we establish as a Legislature when we did the Capital Budget for •• and we've been doing it for years,

Mr. Alden, we've been doing this for years, so it's like •• you know, it's there.

LEG. ALDEN:

To give you an answer, though, if we've taxed the people and put some of their money aside for projects that we don't know about and we might dream up in the future, that might not be the right way we want to go for •• as far as for ••

LEG. MYSTAL:

We did not put any money aside, Legislator Alden.

LEG. BISHOP:

There's no tax, because it's a ••

LEG. MYSTAL:

We did not put any money aside.

LEG. ALDEN:

Well, now we're going •• who's going to pay •• who's going to pay back this money?

P.O. CARACAPPA:

One at a time.

LEG. ALDEN:

It's going to come out of taxpayers' dollars, it's pretty simple.

LEG. MYSTAL:

Everything you do come out of taxpayers' dollars. Our salaries come out of taxpayers' dollars. So what we're saying is that we are not taking, which I would like to raise, but that's a different story, we're not •• we are not taking money from any project, and we are not ••

P.O. CARACAPPA:

In other words, we are not ••

LEG. MYSTAL:

•• taxing anybody.

P.O. CARACAPPA:

We are not raiding another project. This is, as you mentioned earlier and I mentioned earlier, just an offset account. The concern that Legislator Alden has is that we're bonding, we're doing a bonding resolution, and that's where the concern comes down to.

LEG. ALDEN:

And I'd like one cycle just to ••

LEG. O'LEARY:

Mr. Chair. Yeah, I was going to suggest that.

LEG. ALDEN:

To work out with ••

LEG. O'LEARY:

Through the Chair.

P.O. CARACAPPA:

Yes, Legislator O'Leary.

LEG. O'LEARY:

As the maker of the motion to table, I'd like to just recommend that perhaps

we table just for one cycle for purposes of reviewing that ••

LEG. ALDEN:

That's fine.

LEG. O'LEARY:

•• issue that was just raised.

LEG. BISHOP:

On that motion.

P.O. CARACAPPA:

Legislator Lindsay, and then Bishop. I'm sorry.

LEG. BISHOP:

Sure.

P.O. CARACAPPA:

Billy.

LEG. MYSTAL:

Bill, wake up.

LEG. LINDSAY:

Well, the only thing that I can say is, to Legislator O'Leary, is didn't this already go through your committee? It was discharged without recommendation?

LEG. O'LEARY:

No, I'm not on that committee, sir.

P.O. CARACAPPA:

Firemen.

LEG. LINDSAY:

Oh, okay. I thought it went through Public Works. Oh, it went through Environment. I'm sorry.

LEG. MYSTAL:

The other thing ••

LEG. BISHOP:

Am I •• let me ••

P.O. CARACAPPA:

Legislator Lindsay, you're ••

LEG. LINDSAY:

I'm done.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

All right. This is now •• this debate has moved past, and if I can have attention, this debate has moved past the particular project, and now there is an •• I would call it an attack, you might take exception to that, on the capital bus •• Capital Budget omnibus, which I think I was the only one who voted against it because of the jail. But all of you in the omnibus decided to do it this way, and this is an appropriate use, contemplated use of the Capital Budget, so I don't understand what you're going to go back and study, you know, unless you want to, as the Chairman of Public Works, study the Capital Budget, which you, I guess, were the director of that process, so I'm ••

P.O. CARACAPPA:

I think what •• Legislator O'Leary and Alden would like to try and see if they could find cash for this purpose. I think that's their concern.

LEG. MYSTAL:

I understand that, but I would like to also let Legislators know that the Village has already expended that money in anticipation of receiving it. It's a small village, the budget is not that big. For them to expend \$250,000 of their own money and not get reimbursed for it, the more we hold them back

for reimbursement. And they expended the money with the expectation that they will get it back, and they got that expectation for us when we passed the Capital Budget saying that, "Okay, you're going to get, you know, from that fund." So, I am •• you know, I don't want to put a little village, you know, in a dire straight in the budget. Half a million •• you know, a quarter of a million dollars is a lot of money for them.

P.O. CARACAPPA:

I have a question. Is it time sensitive, super time •• can we appease the Legislators who have concerns?

LEG. MYSTAL:

It is somewhat. It's not that greatly time sensitive, but it's somewhat. We can wait one cycle, but I just want to make people understand that, especially Legislator Alden, we are not raiding any project, you know, we voted, you know, 17•1 ••

P.O. CARACAPPA:

That's been made clear.

LEG. MYSTAL:

•• 17•1 for the Capital Budget. We established that fund just for that. Not just for that, but just for a project like this, like this.

P.O. CARACAPPA:

If you'd allow, Legislator Mystal ••

LEG. MYSTAL:

Go ahead.

P.O. CARACAPPA:

•• one cycle ••

LEG. MYSTAL:

One cycle.

P.O. CARACAPPA:

•• we'll straighten it out, any concerns.

LEG. MYSTAL:

No problem.

P.O. CARACAPPA:

And then we'll take it from there, I'm sure. At the next session we'll have it all squared away.

LEG. MYSTAL:

I'll talk with Mr. O'Leary.

P.O. CARACAPPA:

Perfect.

LEG. MYSTAL:

If he doesn't agree, I shouldn't, that's a different story.

P.O. CARACAPPA:

So, there's a motion to table and a second. All in favor? Opposed? Abstentions? One cycle.

MR. BARTON:

18.

P.O. CARACAPPA:

1075 (Authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Southampton parcels) Town of Southampton). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed?

LEG. LINDSAY:

Explanation, explanation.

P.O. CARACAPPA:

Planning steps.

LEG. O'LEARY:

Planning steps.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

1079 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Sposato property) Town of Shelter Island). Motion by Legislator Caracciolo, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1080 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (North Fork Preserve property • Open Space Component) Town of Riverhead). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1082 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (the bluff at Shoreham property) Town of Brookhaven). Motion by Legislator Caracciolo, second by Legislator Foley. All in favor?

LEG. CARACCILOLO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Yeah. Mr. Chairman, I've noted a disturbing trend with respect to land acquisitions in my district that are in partnership with the Town of Brookhaven. First, on this one in particular, I want to make the record clear that I have a number of questions that I intend to raise with Town officials and relatives of Town officials who moved into this community and lobbied and lobbied hard for this acquisition two years ago. At that time, the County was never approached by the Town of Brookhaven to partner in this parcel. The Town made an offer. It fell, as we know, from public record, \$100,000 short of a successful bid by a developer. Now, here we are two years later and the same developer, who also has an interest in Spring Meadow property, something else that's back in the news in my district, is attempting or possibly attempting to sell that property to the Town of Brookhaven.

I would caution Town of Brookhaven officials and the County Executive, who also has been extensively quoted in the press about appraisal values and a willingness to purchase these properties, that undermines taxpayers' confidence in our land acquisition programs, something I will not tolerate and something I want to make this Legislative body aware of.

P.O. CARACAPPA:

That's duly noted, and I'm sure this will be further discussed during the planning process in committee. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Ten•eight •• that was 1082. ***1083 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (property of Lin) Town of Brookhaven).***

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Vilorio • Fisher.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1085 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Warner Leroy properties • Town of East Hampton). Motion by Legislator Schneiderman, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Before we go on, I'd like to recognize Professor Steven Schrier and his class, State and Local Government, from Suffolk Community College who are joining us and watching this Legislature in action. Sorry about that, folks.

(Applause)

We're glad to have you.

HEALTH AND HUMAN SERVICES

Health and Human Services. ***1063 (Declaring May as "Melanoma Awareness Month" in Suffolk County).*** Motion by Legislator Vilorio • Fisher, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. FOLEY:

Cosponsor, please.

P.O. CARACAPPA:

Cosponsor, Legislator Foley. 1066.

D.P.O. CARPENTER:

Cosponsor.

P.O. CARACAPPA:

Legislator •• Legislator Carpenter as well.

LEG. ALDEN:

Me, too.

P.O. CARACAPPA:

Ten•sixty •• and Alden. **1066 (A Local Law to amend Resolution No. 11•2005).** Motion by Legislator Foley, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

Parks and Cultural Affairs, 1022. **1022 (Amend Resolution No. 322 •2004 to extend deadline for ATV Task Force).** Motion by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1023 (Reappointing Joanna Ferraro • Levy as a member of the Suffolk County Citizens Advisory Board for the Arts). Motion by Legislator Schneiderman, second by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1026 (Reappointing Susan LeBow as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 13)). Motion by Legislator Mystal, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1039 (Appointing David D'Orazio as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 3)). Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety. ***2322 (Appoint member to Suffolk County Citizens Corp. Council (Philip A. Facquet III, D.C.)).*** Motion by myself, second by Legislator Losquadro. All in favor? Opposed?

LEG. ALDEN:

What is the appointment?

P.O. CARACAPPA:

Dr. Philip Facquet, III.

LEG. BINDER:

O'Leary wanted it. Didn't you want to make a motion on it?

P.O. CARACAPPA:

On Dr. Facquet.

LEG. O'LEARY:

No.

MR. BARTON:

18.

P.O. CARACAPPA:

2327 (A Local Law to amend Article II Chapter 270 of the Suffolk County Code to provide further protections under the "Crack House Law."). Thank you.

LEG. COOPER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Cooper, second by Legislator Binder. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

That's a good addition to the crack house law, I might add.

LEG. COOPER:

Thank you.

P.O. CARACAPPA:

1089 (Accepting and appropriating a grant in the amount of \$25,000 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement Program with 82.13% support)

LEG. MYSTAL:

Cosponsor, please.

P.O. CARACAPPA:

Cosponsor on that, Legislator Mystal.

D.P.O. CARPENTER:

Cosponsor.

P.O. CARACAPPA:

1089. Motion by Legislator Foley, second by myself. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1090 (Accepting and appropriating a grant in the amount of \$25,000 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Pedestrian Safety Enforcement Program with 82.13% support). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1091, 91A (Amending the 2005 Capital Budget and Program in connection with the reduction of inmate transportation and out of county housing costs at Yaphank Correctional Facility (CP 3009)

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator O'Leary.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Just we're amending the 2005 Capital Budget with the reduction of inmate transportation out•of•county housing costs at Yaphank Correctional Facility, what's this about?

P.O. CARACAPPA:

What this does is make the funding available to put the modular units out at the Yaphank facility, the modular units that were supposed to happen back in July, but were delayed due to the lawsuit brought forward by the County Executive's administration, one that was wrapped up recently and now they feel suit to move forward.

LEG. ALDEN:

How much money did that cost us by delaying it? I know we were ready to go forward months and months ago.

P.O. CARACAPPA:

Well, the money, the money associated with the delay would be I guess directly related to the inmate out•of•county housing costs that we lost. So, how much are we paying per month for •• something like \$800,000?

MR. SPERO:

The annualized costs, yeah, will be upwards of 600, 800,000.

P.O. CARACAPPA:

So, you times that by six, for all intents and purposes, and that would be the cost.

LEG. ALDEN:

Close to 4 million dollars was our additional cost, because we waited to do this? How much?

P.O. CARACAPPA:

How much are the units, Jim?

MR. SPERO:

Well, this would add another \$630,000 to the funds already appropriated for this project, which I think were about a million•and•a•half. So, it would be up to about ••

LEG. ALDEN:

No. But I'm talking about the ••

MR. SPERO:

•• 2.23 million.

LEG. ALDEN:

The out•of•cost housing for the prisoners.

P.O. CARACAPPA:

Six hundred to eight hundred thousand dollars a month currently.

LEG. ALDEN:

So, by us ••

P.O. CARACAPPA:

Six.

LEG. ALDEN:

•• delaying six months ••

P.O. CARACAPPA:

Six months.

LEG. ALDEN:

•• you do the math. What's the math, six times six, right? Almost 4 million dollars.

P.O. CARACAPPA:

We didn't delay it. We didn't delay anything.

LEG. ALDEN:

No, I'm just saying that because a lawsuit was filed ••

P.O. CARACAPPA:

Right.

LEG. ALDEN:

•• we couldn't go forward with this. We were prepared to go forward with it.

P.O. CARACAPPA:

All right. It was substantial •• because of the wait there were substantial costs borne by the County, borne by the County taxpayer. The fact is we still need these modular units or it's going to cost us continually more and more each month. It's very unfortunate what we had to go through over the summer and fall months and into the winter with this unfortunate lawsuit that got us nowhere, but that's all said and done. So, we know the cost, it's substantially more than what it would have been. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

Public Works, Public Transportation. ***1068 (Authorizing public hearing for approval of ferry license for Fire Island Water Taxi, LLC.)*** This is authorizing a public hearing. Motion by Legislator O'Leary, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1070 (Authorizing public hearing for approval of rates for Fire Island Water Taxi, LLC.). Setting another public hearing. Same motion, same second, same vote. Ways and Means.

MR. BARTON:

18.

WAYS & MEANS

P.O. CARACAPPA:

Ways and Means. ***1986 (Authorizing legal action against Long Island Convention and Visitors Bureau, Inc. (LICVB) seeking recovery of improperly expended taxpayer funds).*** Motion by Legislator Caracciolo.

LEG. CARACCILOLO:

Mr. Chairman, I'm going to make a motion to approve, but I would like to hear from the County Attorney.

LEG. ALDEN:

I'd like to hear from the sponsor first. I'll second it, but ••

LEG. FOLEY:

There has to be a motion.

P.O. CARACAPPA:

There's a motion by Legislator Caracciolo, second by Legislator Alden, to approve. And the reason for the County Attorney?

LEG. CARACCCIOLO:

Yes.

P.O. CARACAPPA:

For what?

LEG. CARACCILOLO:

Well, I think we want to clear up for some members whether or not the County is in the process of negotiating reimbursement with the LICVB. That's what I've been informed, and I just want to verify that and make sure that's on today's record.

LEG. ALDEN:

Good idea.

P.O. CARACAPPA:

Ms. Caputi.

MS. CAPUTI:

I have to check on that.

P.O. CARACAPPA:

Just step up to the podium quickly.

LEG. CARACCILOLO:

All right. Then we could pass over this until we get an answer ••

P.O. CARACAPPA:

If you wouldn't mind.

LEG. CARACCILOLO:

•• and come back to it later.

P.O. CARACAPPA:

Passing it over.

LEG. CARACCILOLO:

Yeah.

LEG. BISHOP:

How is the answer going to affect ••

P.O. CARACAPPA:

I don't know. I think there's •• I think just for the purposes of putting information on the record.

LEG. CARACCILOLO:

Well, because the resolution, Dave, speaks to a study to study the feasibility of taking legal action. And if, in fact, we are going to be successful in negotiating reimbursement, we don't need a resolution. On the other hand, if the County is not making any headway in negotiations, then I'm going to amend the resolution to take out the word "study" and simply initiate legal action against the LICVB. That's the distinction.

LEG. BISHOP:

Either way.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

It's your bill, you do what you want.

P.O. CARACAPPA:

Moving forward. ***2085 (A Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works)***

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

There's a motion by Legislator Foley.

LEG. BINDER:

Motion to recommit.

LEG. MYSTAL:

Second.

LEG. ALDEN:

Second on recommit.

P.O. CARACAPPA:

There's a motion to recommit, which takes precedent, by Legislator Binder.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

Legislator Mystal, was that your second to recommit?

LEG. MYSTAL:

Second to •• no, second to approve.

P.O. CARACAPPA:

Okay.

LEG. ALDEN:

Second to recommit.

P.O. CARACAPPA:

Second to recommit by Legislator Alden.

D.P.O. CARPENTER:

On the motion.

MS. CAPUTI:

May I be heard on this ••

P.O. CARACAPPA:

Hold on. Yes. Hold on.

MS. CAPUTI:

•• Mr. Presiding Officer.

P.O. CARACAPPA:

Legislator Foley, then Carpenter.

LEG. FOLEY:

Thank you, Mr. Chairman. It reads there's unanimous support in Ways and Means. Why is there now an effort to recommit?

LEG. ALDEN:

I can answer that.

LEG. FOLEY:

Sure.

D.P.O. CARPENTER:

Well, I'm next, so ••

LEG. ALDEN:

No, I know.

P.O. CARACAPPA:

Go ahead, Legislator Carpenter.

D.P.O. CARPENTER:

I'm not on Ways and Means, and I for one was kind of surprised when I saw this on the agenda, because I didn't realize that there was any kind of a problem with having the responsibility of the print shop being overseen by the department that it's being overseen by now. It seems to be working well. So, I just question why the change.

LEG. FOLEY:

Is there someone from the County Exec's Office who spoke at committee?

P.O. CARACAPPA:

Hold it. The County Attorney would like to be heard.

LEG. FOLEY:

Okay.

D.P.O. CARPENTER:

On this particular resolution?

P.O. CARACAPPA:

Yes.

MS. CAPUTI:

Yeah. As far as my understanding is that the DPW facility, it's in DPW, the print shop, so it makes more sense to have it under the jurisdiction of DPW.

D.P.O. CARPENTER:

Well, physically, the print shop is in the building that DPW ••

MS. CAPUTI:

Right, correct.

D.P.O. CARPENTER:

•• is in, just the way Probation is in the building that FRES is in, but I don't think that you'd necessarily want to put the jurisdiction of Probation ••

LEG. BISHOP:

But that's a whole department.

D.P.O. CARPENTER:

•• with FRES.

MS. CAPUTI:

Well, in addition, in the 2005 Operating Budget, this was also placed in the DPW portion, so it makes •• it would conform the Charter to the budget as passed by this Legislature.

D.P.O. CARPENTER:

Well, certainly, that is something that we can unpass, if we all agree that it's working the way it is now, and if it ain't broke, don't fix it.

P.O. CARACAPPA:

Let me ask you a question. So, you're saying we'd need to pass this law for it to ••

LEG. ALDEN:

Good catch.

P.O. CARACAPPA:

•• to comply with the budget?

MS. CAPUTI:

I know where you're going, but ••

P.O. CARACAPPA:

Ah. I thought I had you.

MS. CAPUTI:

It would just •• it would make it more consistent with the budget.

P.O. CARACAPPA:

Cameron, you tipped me off.

MS. CAPUTI:

Yep. I already thought of that one.

P.O. CARACAPPA:

You, you're good, you.

MS. CAPUTI:

I thought of that one.

P.O. CARACAPPA:

Okay. You. Legislator Mystal.

LEG. MYSTAL:

This is for Legislator Carpenter. I think •• you know, I think you remember that this originally was in Public Works, and which needs •• I don't know why we took the print shop and put it in Human Resources, where really where it belongs is in Public Works, and that we did that.

D.P.O. CARPENTER:

If I could, if I could respond. I do remember that. And part of the reason was, was to have the overall responsibility being handled by Alan, who is the overall person. And also, two, now that we have Public Information as part of that whole department or division, it kind of made sense to keep the print shop there. And, again, it wasn't necessarily working all that well when it was there in the beginning and that was what necessitated the change that we all supported, and it really seems to be working well the way it is now.

LEG. MYSTAL:

I think I remember it a little bit, you know, somewhat differently. I think it was more like a political move at that time and it was ••

LEG. BINDER:

Not here.

LEG. MYSTAL:

It was basically a political move at that time to move ••

LEG. CARACCILOLO:

And now it's a political move ••

LEG. MYSTAL:

I'll give you your chance.

LEG. CARACCILOLO:

•• to take it back.

LEG. BINDER:

We don't do that kind of thing.

LEG. CARACCILOLO:

Right, Elie? Now it's a political move to put it back, so the County Executive can have his hand on the department head, Mr. Bartha, right where he can't have that with Mr. Schneider, can he? No. That's what this is all about.

LEG. MYSTAL:

Sir, I ••

LEG. CARACCILOLO:

It's all about politics.

LEG. MYSTAL:

Sir, I'm just •• I'm just giving you the facts. I'm not putting any kind of judgment on it whatsoever. You know, Legislator Carpenter had the way she remembered it, and she was very good. She's not a political person,

and I understand that, and I just remember it a different way. The way it was before, it was again a kind of a power move that was made at that time, and it was successful, and now we trying to make power move the other way.

P.O. CARACAPPA:

Okay. Before I •• before I recognize Legislator Bishop, the class who's here watching, you know your textbooks that you were given, just throw them in the garbage. Legislator Bishop.

LEG. BISHOP:

Well, no. Actually •• actually, a textbook would be very helpful right now, because one of the things that this Legislature fails to understand is that the County Executive is responsible for managing the day•to•day affairs of this government, and he would understand best what needs to occur and what structure needs to be put in place in order to achieve the goals that we set forth in our policy directives. So, it would seem to me that we ought to get behind the County Executive, instead of trying to interfere and set up roadblocks every time he wants to change the structure of the government. I'm sorry.

LEG. NOWICK:

I'm sorry.

P.O. CARACAPPA:

No.

LEG. BISHOP:

No. It was a profound point, I didn't want you to miss it. And the point is •
•

LEG. MYSTAL:

Pearls of wisdom from Legislator Bishop.

LEG. BISHOP:

The point is that the majority of Suffolk residents, an overwhelming majority, elected Steve Levy to be County Executive, whether you like it or

not, and you ought to let him manage the government and run the government. And something as minor as who the print shop reports to, it shouldn't be subject of political debate. This is what he needs, you know, in order to manage the government correctly, he feels. I don't have an opinion on it and I don't think you ought to have an opinion on it either. I think you're really reaching to come up with an opinion ••

P.O. CARACAPPA:

Who are we? Who are we except for an equal branch of government.

LEG. ALDEN:

Exactly.

LEG. BISHOP:

Well, we're the policy ••

P.O. CARACAPPA:

Right, so we are the policy•makers.

LEG. BISHOP:

Absolutely.

(Applause)

P.O. CARACAPPA:

Thank you.

LEG. BISHOP:

No. And legally you have this right. I'm saying that this is not a policy question in the broad sense of the word, this is not why we are elected and sent here, to determine whether the print shop ought to report to DPW or to report to Civil Service, that's kind of a question of management. We're sent here to make local laws and policies that affect people, the citizens, so •• and I think that the co•equal branch has the best handle on how to manage, manage and implement what we send to them.

P.O. CARACAPPA:

You're right, that was •• that was right out of the textbook, exactly.
Legislator Binder.

LEG. BINDER:

As long as we're speaking to the students, and I think this is a great lesson in being one way one time and then having another view in government another time, and then kind of government is whatever we want it to be at that particular moment. Legislators who would talk about not micromanaging and letting the •• letting the County Executive manage a government as he sees fit, all of a sudden, have this epiphany when there's a County Executive of his own party. So, this is a lesson I guess that our students should learn, because the same Legislator would be ••

LEG. BISHOP:

And you have the reverse field, you've been consistent?

LEG. BINDER:

And the Legislator would be out there, and I heard for a long time, it was 12 years or near 12 years, he wasn't here for the whole 12 years of the Gaffney administration, and I never heard these words. So, all of a sudden, government becomes a whole new animal when he's in a different position.

The point is, and I think the Legislator knows it particularly well, is that the Legislature does make decisions on general •• the general structure of government and the lines of authority. We make those decisions, we •• and those are part of policy. That's what needs to happen here. If we make that decision as a majority of the Legislature, then that's a decision we're making. To just say that he sets the management and we have to go with it as a rubber stamp really throws out everything the founding fathers would tell you about separation of powers. And so, this is a good lesson in government and politics.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

And just to elaborate on what Legislator Binder said, I'm sure the founding mothers also felt the same way.

(Applause)

LEG. MYSTAL:

They weren't around.

D.P.O. CARPENTER:

And remember that, students.

LEG. BINDER:

I am duly chastised.

D.P.O. CARPENTER:

But to Legislator Bishop's point of the fact that the County Executive has •• was elected by an overwhelming majority, and we need to remember that, whether you like it or not, and, I mean, that has nothing to do with it. If you remember, my question was is this a problem with the way it is now, and it clearly has not been a problem with the way it is working. And I do believe that, at the time, Legislator Levy probably sat on this body when the change was made to bring it to someone who was a little bit less political and more even•handed than perhaps an appointed Commissioner. Thank you.

P.O. CARACAPPA:

Legislator Mystal, then Foley.

LEG. MYSTAL:

I'm just following up on Legislator Caracciolo's, you know, talk, because this is not •• and really, this is not for the students, because this is really above your head, this is politics. This is not really anything that has to do with whether or not what the County Executive wants to do is right or wrong, and that's •• this is the only thing I'm objecting to. I don't object to anything that Legislator Carpenter said, or Legislator Binder said, or Bishop said. My only wish is to call it what it is. We don't want it because the Republicans

have a majority, so we want to put it forward and because Levy wants it, and that's all there is to it. If we had, you know, a different set of circumstances, we would gladly, you know, put it over at Public Works with no problem.

So, the only thing I want to •• I wanted my good friend, Mr. Binder, to say is that, as a master politician, he doesn't want to •• they don't want to give kind of victory, so he's against it. Let's also •• let's shut up and vote on it.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

With the impressionable students here, I don't want them to have the impression that, simply, there's cynicism that dictates how we're going to vote on different legislative resolutions. This particular resolution is not a discussion on any great political philosophy, this is really about a management of a particular division within a particular department.

Years ago, when we had moved it out of DPW, there was thought at that time of having the print shop move, physically move out of the Public Works building, and there was quite a bit of discussion about that at that time. So, to move it to Human Resources was also with some expectation that the print shop would be moved out of that particular building and other DPW functions would move into that space. Well, long and short of it is they're still in that particular building. This is not something that conjures up, let's say, a heavy or a deep discussion about the administration of County government. It's under the same roof as the rest of Public Works, so have it go back to Public Works.

Now, there are other more substantive debates that we've had and probably will have in the future about the creation of the Department of Environment and Energy and that's going to muster some real discussion, and that will be ready to have a robust, vigorous debate on. This one, to my way of

thinking, is really rather straightforward, and it would permit the manager of that particular department to manage all the functions that are under that, that are literally under that particular roof, so that's why I'm supporting it.

P.O. CARACAPPA:

Okay. Was that an address to the students, Brian?

LEG. FOLEY:

I'd like to think that we're all students of government, even those of us who are Legislators.

P.O. CARACAPPA:

I was going to say, you were pretty good at it, you should have taken our offer. That's inside baseball, too, Ladies and Gentlemen.

Okay moving on. Moving on. There's a motion to recommit. What I'm going to propose is, in the spirit of compromise, at least at this point, it obviously doesn't have the votes to move forward, why don't we just table it for a cycle and so we •• those who are opponents of it, we •• I don't think it has enough votes to go to be recommitted or ••

LEG. ALDEN:

How many votes?

LEG. BINDER:

Well, let's see.

P.O. CARACAPPA:

All right. There's a motion to recommit and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

(Not Present)

LEG. MYSTAL:

No.

LEG. BISHOP:

Does a motion to table take precedent?

P.O. CARACAPPA:

No, recommit.

LEG. BISHOP:

To recommit, no.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

No.

MR. BARTON:

Ten.

P.O. CARACAPPA:

Okay. It goes back to Ways and Means. ***1007 (Approving payment to General Code Publishers for administrative code pages).*** Motion by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1024 (Authorizing transfer of ten (10) surplus County computers to Senior Net at Family Service League). Motion by Legislator Binder, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1027 (Authorizing transfer of three (3) surplus County computers to Early Childhood Learning Program, the Huntington Freedom Center). Motion by Legislator Cooper, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1028 (Authorizing transfer of three (3) surplus County computers to Faith Missionary Baptist Church). Legislator Cooper, second by Legislator Binder.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

To the sponsor, through the Chair, these are going to Faith Missionary Baptist Church for what purpose?

LEG. COOPER:

That particular one is for job placement training program.

LEG. ALDEN:

Good. Okay.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1029 (Authorizing transfer of seven (7) surplus County computers to Family Service League of Suffolk County, Inc.) Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1031 (Authorizing transfer of three (3) surplus County computers to Solid Rock Ministry of Long Island). Same motion, same second.

LEG. ALDEN:

1031, on the motion.

P.O. CARACAPPA:

On the motion.

LEG. ALDEN:

Legislator Cooper, could you tell us what the purposes of •• the Ministry.

LEG. COOPER:

They have a computer training program for members of the church and local community.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1032 (Authorizing transfer of two (2) surplus County computers to Dreamcatcher's Theatre, Inc.). Legislator •• motion by Legislator Cooper, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1034 (Authorizing transfer of one (1) surplus County Computer to Youth Directions and Alternatives). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

35 (1035•Authorizing transfer of three (3) surplus County computers to Haven House). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

36 (1036•Authorizing transfer of three (3) surplus County computers to Tri•Community Youth Agency). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1048 (Authorizing the extension of a lease premises located at the Kellum Street School, Lindenhurst, NY, for use by the Department of Health Services). Motion by Legislator Binder, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

You can go, you can go now, Basia. Thank you. **1049 (Authorizing the determination of just compensation and securing payment thereof in connection with the acquisition of properties by the State of New York to be acquired for the construction of a Westbound ramp at Interstate Highway 495 (LIE) Exit 67, Town of Brookhaven, Suffolk County, New York (SCTM: 0200•665.00•01.00•00•002.000 P/O).**
Motion ••

LEG. FOLEY:

Mr. Chairman, can I have •• I'll make a motion to table for one round.

LEG. LINDSAY:

Which one?

LEG. FOLEY:

1049.

P.O. CARACAPPA:

Isn't this ramp already built?

LEG. FOLEY:

It is, but I just •• if you could just suffer one cycle, I just wanted to ••

D.P.O. CARPENTER:

Second.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Motion by Legislator Foley to table, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1058 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Paula Earley (SCTM No. 0100•149.00•04.00•032.000)). Motion by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18. 1059 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Paula Earley (SCTM No. 0100•149.00•04.00•033.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1060 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Paula Earley (SCTM No. 0100•149.00•04.00•034.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1061 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Paula Earley (SCTM No. 0100•149.00•04.00•035.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1062 (Authorizing conveyance of parcel to the Town of Islip (Section 72•h, General Municipal Law) for road improvement purposes).

Motion by Legislator Carpenter, second by Legislator Alden. All in favor?

Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1064 (Authorizing transfer of two (2) surplus County computers to Trinity Lutheran Preschool in a common sense manner). Motion by Legislator Alden, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1073 (Calling for a public hearing for the consent to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by the Roman Catholic Church of St. Patrick at Smithtown for cemetery expansion purposes). Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1074 (Authorizing waiver of interest and penalties for property tax for Leslie E. Sacks (SCTM No. 0902•016.00•03.00•028.004 and 0900•385.00•02.00•001.000)). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1077 (Authorizing the sale of County•owned real estate pursuant to Section 215, New York State County Law to Ella Lewis (surviving

spouse in a tenancy by the entirety)(0200•546.00•03.00•007.003).

Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Senses. ***(Sense 001•Sense of the Legislature resolution requesting the assistance of New York State in developing a regional emergency response plan).*** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 4 (Sense of the Legislature resolution requesting the New York State Legislature to require the computerization of New York State campaign finance records). Motion by Legislator Caracciolo, second by Legislator Cooper?

LEG. TONNA:

Yeah, yeah.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 6, motion ••

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

On the motion.

LEG. VILORIA • FISHER:

I'm sorry. I had a question for Counsel, and you were going so quickly ••

P.O. CARACAPPA:

I'm sorry.

LEG. VILORIA • FISHER:

•• I couldn't catch you.

P.O. CARACAPPA:

You didn't call that vote, right, Henry? Right.

MR. BARTON:

No, I guess not.

LEG. VILORIA • FISHER:

It wasn't on this particular vote, it went back.

P.O. CARACAPPA:

Oh, okay. I guess you did call the vote.

LEG. VILORIA • FISHER:

Counsel, 1073, I just wanted to ask ••

LEG. TONNA:

1073?

LEG. VILORIA • FISHER:

Yeah, 1073. It was a few back I was trying to get his attention.

LEG. MYSTAL:

What page?

LEG. VILORIA•FISHER:

Page 10. Why do we need to have a public hearing on this? It's a consent to the acquisition of additional land by the church for a cemetery.

MS. KNAPP:

Under State law, even though the cemetery is already existing, it's an expansion of a cemetery, so that the County Legislature has to hold a public hearing.

LEG. VILORIA•FISHER:

Okay. I just don't remember ever seeing this before.

MS. KNAPP:

We don't ••

P.O. CARACAPPA:

Okay.

MS. KNAPP:

We them very, very, very rarely ••

LEG. O'LEARY:

Potential voters. And even more rarely for expansion.

LEG. VILORIA•FISHER:

I'm sorry, he said potential voters.

P.O. CARACAPPA:

Yeah, Chicago.

LEG. VILORIA•FISHER:

Thank you.

LEG. FOLEY:

Chicago.

LEG. TONNA:

Yeah, Chicago.

LEG. ALDEN:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

What time frame are you shooting for as far as setting that record, because we might filibuster.

P.O. CARACAPPA:

Yeah, I know you will. 12:05 is the record.

LEG. NOWICK:

Keep going, come on.

LEG. BISHOP:

I have a question on 6.

P.O. CARACAPPA:

Sense 6 (Sense of the Legislature resolution to request that New York State lower the blood alcohol level for driving while intoxicated in Suffolk County to 0.07). Motion by Legislator Cooper.

LEG. NOWICK:

Yeah, me, too.

P.O. CARACAPPA:

Second by Legislator ••

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Can I get a second? Second •• second by Legislator Foley.

LEG. BISHOP:

I know, we're ••

P.O. CARACAPPA:

Kill Billy.

LEG. BISHOP:

We're all against drunk driving, obviously, but what I wanted to know ••

P.O. CARACAPPA:

Second by myself.

LEG. BISHOP:

•• and I don't know, I truly don't know, I mean, what is point•seven as opposed to .10.

LEG. MYSTAL:

Point•eight.

LEG. BISHOP:

Or point•eight.

P.O. CARACAPPA:

Point•eight.

LEG. BISHOP:

It's point•eight.

LEG. MYSTAL:

Point•eight.

D.P.O. CARPENTER:

Point zero eight.

LEG. BISHOP:

So, what's the difference if you have •• you know.

LEG. TONNA:

Two sips.

LEG. MYSTAL:

One sip.

P.O. CARACAPPA:

One•tenth.

LEG. COOPER:

I'm not sure how many fewer sips it is. I do know that Connecticut has enacted legislation that reduced it to point•o•seven for the second violation, so this is doable. And there are other ••

LEG. BISHOP:

Is this for a second violation?

LEG. COOPER:

No, this is for first.

LEG. BISHOP:

Okay. I just think it's something we ought to •• right, we ought to understand before •• it's not •• it's something to be •• just throw out a number. I mean, what's next, point•six, point•five, point•four? I mean, you know ••

P.O. CARACAPPA:

Would you consider tabling for a session, Legislator Cooper?

LEG. COOPER:

Absolutely.

P.O. CARACAPPA:

Motion to table by the sponsor, second by myself. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 7 (Sense of the Legislature resolution requesting New York State provide the County of Suffolk with its fair share of transportation assistance). Motion by Legislator Vilorio•Fisher, second by Legislator Foley.

LEG. FOLEY:

Cosponsor.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. CARACCILOLO:

Mr. Chairman, can we come back to 1086?

P.O. CARACAPPA:

Are you ready for that?

LEG. CARACCILOLO:

Yep.

P.O. CARACAPPA:

Okay. ***1086 (Authorizing legal action against Long Island Convention and Visitors Bureau, Inc).*** Ways and Means.

LEG. CARACCILOLO:

Does the County Attorney have a response for us?

P.O. CARACAPPA:

Miss Caputi.

LEG. CARACCILOLO:

I'm sorry, 1986. 1986.

P.O. CARACAPPA:

Page 9, top of the page. Is the County Attorney in the room?

LEG. CARACCILOLO:

1986. If they don't have a response now, can we take it up after the public hearings?

P.O. CARACAPPA:

Certainly.

LEG. TONNA:

Sure, that's a good time to take it up.

P.O. CARACAPPA:

That's a great time to take it up.

LEG. CARACCILOLO:

All right, we'll do that.

P.O. CARACAPPA:

You're all rolling the dice on that one, though, Legislator Caracciolo.

LEG. CARACCILOLO:

Okay. And then if ••

P.O. CARACAPPA:

Miss Caputi.

MS. CAPUTI:

I'm here.

P.O. CARACAPPA:

You have an answer on that?

MS. CAPUTI:

I don't.

P.O. CARACAPPA:

Not yet? Okay.

LEG. CARACCIOLO:

Will you have it after lunch?

MS. CAPUTI:

I will.

LEG. CARACCIOLO:

Okay.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

You want to table it for a cycle?

LEG. CARACCIOLO:

No.

P.O. CARACAPPA:

Okay.

LEG. CARACCIOLO:

No.

LEG. FOLEY:

Mr. Chairman, before we break for lunch. Mr. Chairman.

P.O. CARACAPPA:

There's a motion to table. Legislator Foley.

LEG. FOLEY:

I believe there will be some CN's coming over, hopefully, before we break for lunch. If not, they'll be here •• we'll take them up after.

P.O. CARACAPPA:

Well, we've got another half hour. Everyone have procedural motion number two before them?

LEG. VILORIA•FISHER:

Yes.

P.O. CARACAPPA:

There's a motion by Legislator Schneiderman, second by Legislator Montano.

LEG. TONNA:

It's to lay on the table, right?

LEG. SCHNEIDERMAN:

No, no.

LEG. CARACCILOLO:

Oh, to approve.

P.O. CARACAPPA:

No. Procedural motion is to approve.

LEG. BISHOP:

Explanation.

P.O. CARACAPPA:

This is for \$65,000?

LEG. SCHNEIDERMAN:

Yeah. We passed a procedural motion last year for \$50,000 to conduct a

housing needs assessment. Legislator Montano and I cosponsored it.

LEG. TONNA:

So, how did that assessment go?

LEG. SCHNEIDERMAN:

We haven't •• we interviewed •• we sent out solicitations to several different firms. We had in front of the Ad Hoc Housing Committee Dr. Sean DiGiovanna from the Rutgers Center for Urban Policy Research was •• who had put together a proposal, which I'm passing out right now. He's very well qualified. They did the Westchester County Housing Needs Assessment, and I'd like to go ahead and hire them. The price is a little bit higher, it's 65,000, not the 50,000 we originally approved, so this would take care ••

LEG. TONNA:

Fifteen thousand more, that's all?

LEG. SCHNEIDERMAN:

That's it. And they're very good. Jim Morgo came and interviewed him as well, felt very good about this particular group.

LEG. ALDEN:

Point of order.

P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

Point of order.

P.O. CARACAPPA:

Point of order, Legislator Alden.

LEG. ALDEN:

A procedural motion that is put before us a few minutes before we're going to break for lunch, is that the proper procedure that we're following?

P.O. CARACAPPA:

Well, usually •• usually, when it's done in advance, it's on the agenda under procedural motions. This was put forward as a Sense Resolution almost, which we can do with procedural motions, we can lay on the table and approve immediately. It's within our rules to do that.

LEG. SCHNEIDERMAN:

Again ••

LEG. ALDEN:

I would just ask that, you know, give us time to read it and let's do this a little later on. We still have some business to conduct later, and I think it's unfair to everybody ••

P.O. CARACAPPA:

All right.

LEG. SCHNEIDERMAN:

That's fine. Just again, we already have passed ••

P.O. CARACAPPA:

Withdraw the motions for now and we'll deal with it later.

LEG. SCHNEIDERMAN:

Okay, that's fine.

P.O. CARACAPPA:

Okay. Late•starters. Late•starters. They weren't distributed, but you want me just ••

MS. PASTORE:

They are.

P.O. CARACAPPA:

Oh, they are?

MS. PASTORE:

They have been.

P.O. CARACAPPA:

Okay. We're going to •• the first one is •• give me a second just to look at these. All right. There's nothing controversial. Motion to waive the rules at this time and lay the following bills at the •• on the table, second by Legislator Carpenter: Bills 1174, which would go to Budget and Finance; 1175 will go to Vets and Seniors, set the public hearing at Vets and Seniors on March 10th at 1:30; 1166, which will go to Budget and Finance; 1177, which will go to Budget and Finance, and Sense 14 will go to Ways and Means.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

To waive the rules and lay it on the table?

LEG. ALDEN:

On that motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

We should really show a little bit of restraint and also a little bit of just conscious acknowledgment of the fact that we have rules and we have set periods where we're supposed to be putting these things in. So, I think it puts an undue burden on staff and also on all of us to have things done at the last minute. There are emergencies that are going to pop up and then that's the qualifying, I think ••

LEG. BISHOP:

Staff seems to get it done.

LEG. ALDEN:

•• justification for it, but we •• this is not something we should be doing.

LEG. MYSTAL:

Give me more money.

P.O. CARACAPPA:

Well, there's a marked difference from the last meeting, it's about 15 ••

LEG. ALDEN:

Absolutely.

P.O. CARACAPPA:

Fifteen less. And I appreciate everyone restraining themselves. Most •• some of these are budget amendments, which we know this is •• it's this cycle to get them in, so that's why they were allowed. Unique circumstance with a few of these, so ••

D.P.O. CARPENTER:

On this discussion, if I could. I just would like to thank Counsel's Office for sending out the memo reminding us of the deadline. I think that's very helpful if a day or two before you can do that, because it kind of jogs your memory, so thank you.

P.O. CARACAPPA:

Okay. There's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Those bills are laid on the table. CN's have not come yet. There are no other bills to be laid on the table. We have nothing else on the agenda.

MS. PASTORE:

Joe.

P.O. CARACAPPA:

Oh, something's on its way.

MS. PASTORE:

They just handed this to me.

P.O. CARACAPPA:

CN's?

MS. PASTORE:

I have to make copies.

P.O. CARACAPPA:

We'll do CN's later.

MS. PASTORE:

Okay.

P.O. CARACAPPA:

Because you have to make the copies. There are three CN's •• four? Three CN's that will come later.

LEG. ALDEN:

Make the Clerk's Office work through their lunch hour to get these things out because of the timing by the County Executive.

LEG. BISHOP:

Come on.

P.O. CARACAPPA:

All right. It's 12:07. I'm sorry, 12:05 was last meeting. I'm slipping, so ••

LEG. FOLEY:

CN's are here.

P.O. CARACAPPA:

CN's are here, but they have not been distributed.

LEG. SCHNEIDERMAN:

Did you lay the Duck Farm resolution on the table? I'm sorry, I missed it.

P.O. CARACAPPA:

If you want to sit and wait, take ten minutes to recess, if you're not in a rush to run to lunch yet, we can just wait until they're distributed and vote on them now.

LEG. NOWICK:

Let's get rid of it.

P.O. CARACAPPA:

Let's just stay •• if you could just stay seated, we'll take a five•minute recess until those are printed and distributed and then we'll vote on them, the CN's that are •• just brought over.

LEG. TONNA:

Oh, in the meantime, could I just ask, while you're letting the meeting •• I put in a bill in the packet with regard to the 44 positions in Social Services. There were a number of Legislators who voted for that last time, if •• I'd love some cosponsors. I already have a number of cosponsors, but if I can, this is •• so, that we meet the mandated services that we're mandated in Social Services. Thank you.

P.O. CARACAPPA:

Okay. Everyone, just stay very close. We're just going to get these printed and distributed and we'll vote on the CN's. Five•minute recess, five minutes.

[THE MEETING WAS RECESSED AT 12:10 AND RESUMED AT 12:20 P.M.]

P.O. CARACAPPA:

Okay, CN's have been distributed. Okay, everyone. Legislators, please report to the horseshoe.

CN on 1105, Authorizing "Go Red For Women" Campaign support in

Suffolk County. There's a motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

LEG. BISHOP:

What was that?

P.O. CARACAPPA:

That was authorizing "Go Red For Women," which will put a red spotlight on the Dennison Building in recognition of heart disease.

LEG. BISHOP:

Where are the students? Bring them back. Let's show them government in action.

MR. BARTON:

18.

P.O. CARACAPPA:

1178.

LEG. TONNA:

Motion.

LEG. FOLEY:

There's 1163.

P.O. CARACAPPA:

Where? Oh, **1163.**

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer. Motion by Legislator Tonna.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. FOLEY:

I'd like to hear Legislator Carpenter's concerns about the resolution.

LEG. TONNA:

She seconded it.

D.P.O. CARPENTER:

I seconded it.

LEG. FOLEY:

I'm trying to make a light moment here.

LEG. TONNA:

No, no light moments. Let's go.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1178 • Authorizing initial steps for implementation of Suffolk County Workforce Housing Program at Patchogue Village Homes.

LEG. FOLEY:

Motion, Mr. Chairman.

LEG. VILORIA • FISHER:

Second.

LEG. TONNA:

Second.

D.P.O. CARPENTER:

Do you want my concerns?

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Tonna.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. FOLEY:

Mr. Chairman, we also have the Village Mayer here and other representatives who can speak on the issue. Mr. Morgo is here as the Chair of Economic Development and who oversees the Workforce Housing Program, so ••

P.O. CARACAPPA:

Legislator Foley, if you could •• it's your district.

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

If you could just let us know what this is.

LEG. FOLEY:

Sure. And if I don't do the issue full justice, I would like to hear from the Mayor and also from the Commissioner.

This is an initiative that has been underway for close to a year where the Village of Patchogue, working with Suffolk County and with potential

developers in addressing two vitally important public policy imperatives, both of which this County has embraced. One is downtown revitalization. The second is to create homeownership opportunities in Suffolk County that we're all well aware of. So, the way that we're addressing those two needs, particularly in downtown Patchogue, is by moving forward with a workforce housing initiative in concert with the Workforce Housing Commission to develop as many as •• anywhere from 60 to 80 units of housing right in the heart of the downtown area. There's a lot of support for it in the community. The community has been part and parcel of the project from the very get•go. So, this is the •• let's say, the inaugural project utilizing the funds that we had created in the budget, and it's something, as I say, it's not going into an area that's farmland or that is a wooded area, it's going into an already developed area to redevelop it. It is in keeping with smart growth principles. And for a variety of, let's say, a variety of public policy imperatives, this meets a whole host of those, and I'm very •• we're very excited about it. And I know that the Mayor stands ready to answer any specific questions you may have about the project.

P.O. CARACAPPA:

Well, all these lots •• all these lots are all adjacent to each other.

LEG. FOLEY:

Yes, they are, but if the mayor could •• the nod is yes, that's true.

P.O. CARACAPPA:

Okay. Yeah, the short answer.

LEG. FOLEY:

Part •• yes, yes. Part of the challenge is the assembling of the lots, and this resolution will help to enable the assemblage of those lots to move forward.

LEG. VILORIA•FISHER:

Mr. Chair, if I may.

P.O. CARACAPPA:

Legislator Alden, then Viloria•Fisher.

LEG. ALDEN:

My first question is why this didn't go through committee, why it's coming here as a CN. What's the ••

LEG. FOLEY:

The Mayor would be the best •• I can answer it, but the Mayor would be the best to answer that.

LEG. ALDEN:

Is it time constraints on this?

LEG. FOLEY:

There are some time constraints. The concern is, because we only meet monthly, and once word is out about us moving forward with planning steps to acquire these parcels, the concern is similar to in the open space area, the concern is that there may be some developers who may come in to try to purchase these lots right from under us. There's a lot of interest in this within the development community, and so we want to move with all due speed. It's not as if we haven't done our due diligence.

LEG. ALDEN:

Then I have a problem on it, because if this is going to be done in conjunction with the Village of Patchogue ••

LEG. FOLEY:

Yes.

LEG. ALDEN:

•• they •• I would have just thought that they might have secured either some kind of an option on these properties before the list was made public.

LEG. FOLEY:

Well, lets hear the Mayor. Let's hear from the Mayor.

LEG. ALDEN:

Well, it also •• let me ••

LEG. FOLEY:

Sure.

LEG. ALDEN:

•• enumerate a couple of problems I have, too.

LEG. FOLEY:

Go ahead.

LEG. ALDEN:

This was just ••

LEG. FOLEY:

Hopefully, they're not problems, hopefully, they're just concerns, because I know you agree with downtown revitalization, Legislator Alden.

LEG. ALDEN:

Thanks, Brian.

LEG. FOLEY:

Okay.

LEG. ALDEN:

I'm looking at a couple of these resolved clauses and "other steps and actions as may be necessary and appropriate to process." Now, I'm wondering if that could be interpreted as we're authorizing eminent domain on any of these parcels. So, that would be a legal analysis that I'm going to have to ask Legislative Counsel.

LEG. FOLEY:

Well, why don't we also hear from •• if we're going to get into like this, Mr. Chairman, then I think both the Commissioner of Economic Development, as well as the Mayor, can answer some of these questions along with myself.

LEG. ALDEN:

Or maybe we should just take this up later this afternoon.

LEG. FOLEY:

I'd rather not, because I think we may lose some people in the afternoon and ••

LEG. SCHNEIDERMAN:

Joe, put me on the list, please.

LEG. FOLEY:

•• we need to have 12 votes in order to approve this today and I ••

LEG. ALDEN:

This is going to take awhile, because I have a bunch more questions. But if those ••

P.O. CARACAPPA:

All right.

LEG. ALDEN:

•• two can be answered.

P.O. CARACAPPA:

We still have •• before we even break for lunch, we have five minutes, so why don't we ask Mayor Pontieri and Mr. Morgo to come up and, in the briefest possible form, answer questions that are put forward. So, Legislator Alden has a series of questions, so why don't we start with him.

LEG. ALDEN:

Why the •• why the CN? Why does this have to be done today?

MAYOR PONTIERI:

What we've done over ••

LEG. FOLEY:

You have to speak closely into the mike.

P.O. CARACAPPA:

Mr. Mayor, is that microphone on? There's a ••

MAYOR PONTIERI:

I guess it's not.

P.O. CARACAPPA:

Just pull it, if you could just pull it up as high as you can.

LEG. FOLEY:

Just mention your name for the record, please.

MAYOR PONTIERI:

Paul Pontieri, Mayor of the Village of Patchogue, 14 Baker Street. To answer your question, back in September, we first met with the Workforce Housing Commission, made a presentation about the compilation of about 19 properties to be in an area which is contiguous to our downtown right on South Ocean Avenue, next to the railroad station, a block and a half from the four corners where Swezey's was at one time, and in an area with somewhat blighted buildings as they stand currently. That presentation, one of the charters that were given to us, which starts the appraisal process, and we've gotten a grant from the Bank of New York to do that, we did the appraisal process. Over the last several weeks upon completion of the appraisal process, which was about the beginning of January, the end of December, we started meeting with the homeowners.

The thing that we found very quickly, these homeowners are ready to move forward, the property owners themselves. Out of the 19 properties, 15 of them which are privately held, two by the Village and two by Community Development Agency, 13 out of the 15, or 12 out of the 15, are ready to sell today. My fear becomes is that if we stretch this out more than 60 to 90 days, and they will purchase based upon appraisal price within a 10% realm of that price, that those prices that are now sitting at about four•and•a•half million dollars will hit five•and•a•half million dollars, because people will begin to hold back.

Most of those homes are multi•families, so there are leases that are running out. The issue is becoming now, do I extend leases, don't I extend leases? Once you get into extending leases, you get into relocation, you get into

additional costs. Coming to the County means there's the ability to acquire funds. There's not a great interest-bearing amount, so, therefore, we're able to keep the prices down. My concern becomes affordable housing means being able to keep your prices at a level where you can make them affordable to those that are the 80% and 120%. So, it all has to do with the fact that people are ready to sell today.

LEG. ALDEN:

Okay. But have you explored the possibility of an option or a notice of intent or a letter of intent between, you know, buyer and seller? I mean, there's a whole bunch of legal ways to actually tie up these properties.

MR. MORGO:

May I, Legislator Caracappa? Hi. I'm Jim Morgo, commissioner of Workforce Housing, Economic Development, and Chairman of the Workforce Housing Commission. And I'm well aware of what's going on. I see the peripatetic Mr. Tonna, although he's not moving now, I know you want to go to lunch. Let me give you ••

LEG. ALDEN:

No, he wants to go home.

MR. MORGO:

Yeah. Oh, is that what he's doing? Let me give you from the County's perspective the sense of urgency.

As you know, in 2001, you approved the Affordable Housing Opportunities Program, which was an acquisition program for affordable housing. It's only been used twice. The reason it was only used twice is because it's cumbersome and because land is so incredibly valuable. This is only, by the way, a steps resolution, this is only a planning resolution.

Yesterday, at the Workforce Housing Commission, Mayor Pontieri, and the Village Trustees and the Legislator from the district came and asked again for the Commission to support this. We already have endorsed it. In fact, as I think you also know, when the Commission first got started in April, we asked every single one of Suffolk's municipalities to suggest sites for

workforce homes. We got more than 250 parcels, about 52 sites across Suffolk County. This site was not one that Planning put on the top of the list, and it wasn't because of the site assemblage, 19 separate sites. However, this is truly a bottom•up municipally•inspired and community •inspired site. The Mayor, the Village Trustees, the people of the Village of Patchogue want this development, and they came to us yesterday and they made the point that they don't want to lose these willing sellers, and that this is not only for housing, but it's also for the revitalization of downtown Patchogue, and you know yourself, Legislator, how housing can do that. So the urgency is that the process should go on. As I said, this is only a planning steps resolution.

LEG. ALDEN:

Okay. You clarified part of it for me with that, but who assumes the •• or how is it apportioned, the statutory responsibility for relocating these •• the renters, because once there's government activity, that's a statutory responsibility, as far as moving them, providing them with, you know, the difference between what they were paying here and what they're going to pay someplace else. Is that going to be apportioned between Suffolk County and the Village or ••

MR. MORGO:

Well, you remember the way it was done in Southwind Village? It was done through the Islip Community Development Agency ••

LEG. ALDEN:

Right.

MR. MORGO:

•• and there's a Village Community Development Agency, too.

LEG. ALDEN:

Okay. I didn't know it existed.

MR. MORGO:

Yeah.

LEG. ALDEN:

Okay, good. Have you taken steps, then, to secure these properties with options, or some kind of a ••

MR. MORGO:

We can't, but ••

LEG. ALDEN:

No, no. I guess I'm addressing the Mayor, then.

MAYOR PONTIERI:

We've had all our initial meetings with all of the property owners at this point in time, and we have agreement pretty much on prices. We haven't taken the legal step that you're questioning right now as to doing those options or not, and that's something for my Village Attorney and I to discuss how we do that.

LEG. ALDEN:

You have a good attorney, by the way, but ••

MAYOR PONTIERI:

Oh, okay.

LEG. ALDEN:

Now ••

MR. MORGO:

May I just say something? That's one of the difficulties with our program, even if, with your approval, we can't go out for an option, because we have to go through the process.

LEG. ALDEN:

Okay. Now, is this project predicated on getting all of these? Say, for instance, you missed two or three of these parcels, can you still do the project?

MAYOR PONTIERI:

One way or the other we're going to get the project done. This is part of a community urban redevelopment area anyway, so there are pieces to this that will allow us, and I hate to use the word "condemnation", but condemnation's in there.

LEG. ALDEN:

Yeah, well, that's what you might end up doing, condemnation.

MAYOR PONTIERI:

And right now, it looks like there may be only one property in the whole mix, depending upon how quickly we can do what we have to do, only one property that may happen, and we're meeting with that property owner at the end of this week and I think we can convince him.

LEG. ALDEN:

And I'm sure your attorney is well aware of the national trend, though, for condemnations, as far as the expense, and also, now they're questioning the purpose. So, okay, thanks.

P.O. CARACAPPA:

Before we vote, again, this is truly planning steps, and that will come back before the Legislature for acquisition. Are these cesspools or are you tapping into a sewer district?

MAYOR PONTIERI:

We have our own sewer district and ••

P.O. CARACAPPA:

Capacity's there?

MAYOR PONTIERI:

The capacity's there, and it's contiguous right to it, it's right there.

LEG. SCHNEIDERMAN:

On the motion.

LEG. VILORIA • FISHER:

I was on the ••

P.O. CARACAPPA:

Yeah, you're on the list. It's Legislator Vilorio•Fisher, then Carpenter, then Schneiderman.

LEG. VILORIO•FISHER:

As a member of the Workforce Housing Commission, I was there during the presentation and yesterday's discussion. And just to underscore the importance of fast•tracking this, what we on the Commission decided was to try to fast•track this, but on a parallel track with what the Village is contemplating to do, which is to look at private developers who might want to buy some of these for affordable housing projects. So, these •• this is truly planning steps, truly planning steps. We may not even be involved in these acquisitions, we just want to see what's out there.

P.O. CARACAPPA:

Thank you. Before I go to Legislator Schneiderman, as was stated, it will come back before •• I hope it doesn't come as a CN when that time comes, so that it can go to the appropriate ad hoc committee. All right. Just to ••

MR. MORGO:

I agree.

P.O. CARACAPPA:

Fair warning, that we would love to see it go through the committee process when that time happens. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I certainly would echo the last comment of the Presiding Officer, that this really •• I would like to see this go to the Ad Hoc Committee on Affordable Housing. I have had some reviews sitting on the Workforce Housing Commission, but I really feel it needs to go through that committee.

Jim, though, maybe this is really a question for you. You're looking for money to acquire the lands. The typical program is for infrastructure. Will the money that used to acquire the lands come back when the units are sold

to the County?

MR. MORGO:

Well, let me •• let me just say one thing, Legislator. The original Affordable Housing Program that was put in place in 2001 was an acquisition program. The program that's part of the County Executive's Capital Budget is an infrastructure program.

As was said at the Commission yesterday, the funds are going to be used to bridge that gap between folks who would otherwise not be able to own a home and the market rate. So, if it's used for acquisition, obviously, the money can't be used for the percentage of homes that are at market rate. If it's used in •• it would only be used for the homes that are affordable to folks at either 120% of median or under 80% of median. And those funds, as they have in Millennium Hills development and the Sunny Brook Homes development in Bay Shore, would stay in the development, but it would only be funds that would make •• would bridge the gap for affordability.

LEG. SCHNEIDERMAN:

I'm not sure you answered my question. So, are we getting an actual equity interest here, or is there ••

MR. MORGO:

Oh, yeah.

LEG. SCHNEIDERMAN:

Is there affordable in perpetuity?

MR. MORGO:

That's right. And the county puts ••

LEG. SCHNEIDERMAN:

What is the County getting for it?

MR. MORGO:

•• liens on the property, so that if the •• any of the terms of affordability are violated, the money does come back.

LEG. SCHNEIDERMAN:

Okay. So, we will have an ownership interest in the project.

MR. MORGO:

That's right, yeah, as you have in the other two where it was used. You know, the thing about this is it illustrates that the only way the County's going to have any impact is with the cooperation of the local municipality and you have that in spades here.

LEG. SCHNEIDERMAN:

I believe, Jim, though on the other two where it was used, when the units are sold, the money returns to the County, so this is different.

MR. MORGO:

Yeah, this is ••

LEG. FOLEY:

Jay, it's planning steps?

LEG. SCHNEIDERMAN:

No? Am I wrong, Marian?

MR. MORGO:

No. That's right, if it's ••

LEG. SCHNEIDERMAN:

Okay. Marion I'm incorrect, so ••

MR. MORGO:

It's right if it's used in the same way that it was used in the other •• in the other two developments.

LEG. SCHNEIDERMAN:

Okay.

LEG. TONNA:

Planning steps.

LEG. SCHNEIDERMAN:

It's planning steps, I understand.

P.O. CARACAPPA:

Okay, excellent.

LEG. CARACCILOLO:

Going to Ad Hoc Committee?

P.O. CARACAPPA:

No. We're going to approve these planning steps, and when it comes back for appropriations, it will go through the committee process. There's a motion.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

And a second. All in favor? Opposed?

LEG. CARACCILOLO:

Abstain.

P.O. CARACAPPA:

Abstentions? One abstention, Legislator Caracciolo.

MR. BARTON:

17.

MR. MORGO:

Thank you, all.

LEG. SCHNEIDERMAN:

Joe, while Jim Morgo's in the room •• can we ••

MAYOR PONTIERI:

Thank you very much.

LEG. SCHNEIDERMAN:

Can I attempt to move the procedural motion, Joe, to hire the Rutgers Group for the housing needs assessment? I make a •• what is the number on it?

P.O. CARACAPPA:

It's Procedural Motion Number 2.

LEG. SCHNEIDERMAN:

I make a motion to approve Procedural Motion Number 2.

LEG. ALDEN:

Then I'm going to make a table until after the public hearings.

P.O. CARACAPPA:

Withdraw your motion, Jay.

LEG. SCHNEIDERMAN:

I'll withdraw my motion.

P.O. CARACAPPA:

We'll deal with it after public hearings. We're done with the agenda and we're done with the CN's for now. Only thing pending for the Legislature to deal with after the lunch break are obviously the public hearings, which is a page full, and one or two procedural items that will be discussed.

LEG. LINDSAY:

I'll do the late•starter after.

P.O. CARACAPPA:

And there's a possible late•starter or two as well to be discussed, so there's more business. There's more business, so stay tuned and come on back. We'll be back at 2:30.

[THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 2:36 P.M.]

P.O. CARACAPPA:

We're starting the public hearing portion of today's meeting. Yes, we have quite a few cards.

First Public Hearing is regarding ***I.R. 2102 • Local Law to promote the health of Suffolk County residents by limiting non-essential use of toxic chemical pesticides in Suffolk County.*** I have several cards. First speaker is Julie DeBold.

MS. DEBOLD:

Good afternoon.

LEG. ALDEN:

Is Legislator Schneiderman here?

P.O. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Somewhere, yeah.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

Go ahead.

MS. DEBOLD:

Thank you. I am with Long Island Farm Bureau, and Long Island Farm Bureau has testified before the Environment, Planning and Agriculture Committee and at each hearing before the full Legislature regarding I.R. 2102.

AUDIENCE MEMBER:

Could you guys hear what's going on? I didn't think so.

MS. DEBOLD:

We understand the bill is currently being drafted to ban homeowner sales, and while Long Island Farm Bureau recognizes the intent of the proposed legislation to protect the citizens and environment of Suffolk County, we believe the legislation is beyond the County's realm of statutory authority. I.R. 2102 is redundant, unnecessary legislation which duplicates regulating and enforcement tasks already well executed at the Federal and State levels of government. Long Island Farm Bureau again urges the Suffolk County Legislature to put aside this proposed legislation, and in an effort to cultivate long-term measurable environmental benefit, focus its energy and funding toward education, training and outreach.

Long Island Farm Bureau recommends utilizing the Community Integrated Pest Management, IPM Program, developed by Cornell University, a statewide proven program which could be tailored to Suffolk County's needs. We also urge the Legislature to dedicate the funding necessary to implement and develop the Suffolk County Agricultural Stewardship Program, as outlined by the Suffolk County Agricultural Environmental Management Task Force for nitrogen and pesticide reduction. Long Island Farm Bureau reiterates the fact that the proposed legislation, I.R. 2102, is preempted at the State and Federal levels, and urges the Legislature to consider these alternatives, which we have outlined. Thank you.

P.O. CARACAPPA:

Thank you very much. H. Pat Voges.

MS. VOGES:

Good afternoon. Thank you for the opportunity to address the Legislature again in a short period of time. I am not going to stand here and say everything that I said the last time, that's all on record. I will say that I fully support what Julie just said. And I would like to introduce to the Legislature some facts about lawn care that they might not know. Other than that, I don't really have much to say today.

P.O. CARACAPPA:

Okay. Thank you. We'll take that right there in the Clerk's Office and they'll distribute it to us. Thank you, sir.

MR. VOGES:

Thank you.

P.O. CARACAPPA:

Virginia Regnante.

MS. REGNANTE:

Regnante.

P.O. CARACAPPA:

Regnante. Sorry. It looks like a "K".

MS. REGNANTE:

Good afternoon. I'm Virginia Regnante, President of the West Islip Breast Cancer Coalition, and I'm here to support Mr. Schneiderman's bill on the removal of pesticides and herbicides for the •• from the exclusive use of homeowners who do not understand what they are doing with these chemicals. I believe that it is time for us to seriously look at our public policy and look at the resources that we have here and Suffolk County to protect our environment, and to protect the public, because that's your responsibility. They do not know what they are doing with these chemicals. They are impacting our soil, and our water, and our air. And we have an escalating amount of immune auto deficiency diseases, not only cancer, but childhood leukemia, Alzheimer's, Parkinson's, and we have to look at what we're doing in our environment, so we want you to really study this today.

I have some testimony that I received from Ithaca, from Cornell Cooperative Extension, which I'd like to include in my testimony to deliver to the Legislature. Thank you very much for your consideration.

P.O. CARACAPPA:

Thank you. Sterling Churgin.

MR. CHURGIN:

Hello. I've never quite done this before, so I'm just a little bit more than a little nervous. But here we go. I felt it essential that I came to address Mr. Schneiderman in particular today. I'm a certified arborist. I've been in the industry since I was thirteen years old, 27 years. I have a degree in Biochemistry. I know what's going on in the realm of pesticides and lawn care. I'm also the father of a 17 month old daughter, so I'm definitely not crazy to be using toxic chemicals.

What the lady said from the Breast Cancer Coalition is actually more along the way I feel. People without training should not be allowed to use pesticides. I've been to a Home Depot where the people are standing on line in March and you see Grubex stacked up, little children playing with the bags, no regulation. There's absolutely no reason that homeowners should be applying grub control that they could buy at random and put it down in March. People have to •• should be trained. You should allow certified applicators to apply pesticides.

Unless I'm wrong, I was under the impression that this bill says no use of any type of pesticides for aesthetic purposes. Well, when you have a gentleman that spends \$25,000 sodding his lawn and it gets wasted by grubs, that's not aesthetic, that's economic. So, please, if you have to draft this legislation, don't throw the baby out with the bath water. Keep the pesticides in the hands of the people trained. I personally, I use •• I don't go and blanket spray someone's lawn every •• you know, every six weeks because that's what we do, but I need to be able to show up with the tools of the trade and do it in a forum that people can afford. You can't expect us to notify the neighbors, notify the world, keep scouting and scouting. We have to be able to apply pesticides so homeowners can afford it. Thank you.

P.O. CARACAPPA:

Hold on, sir. There's some questions, but those are some very good points. Legislator Caracciolo.

LEG. CARACCILO:

Thank you. Would you go further than this proposed resolution by banning the products that you describe, like Grubex, in the outlets like Home Depot?

MR. CHURGIN:

Well, unfortunate ••

LEG. CARACCILOLO:

I mean, if we really want to make an impact on our environment and our groundwater, wouldn't that be the right thing to do?

MR. CHURGIN:

All right. Well, let's bring up the Grubex. The active ingredient in Grubex is imidacloprid. Imidacloprid is less toxic, meaning that it has a higher LD50 than Bayer Asprin. Okay? If you take enough Bayer Aspirin, you will bleed to death internally. Okay? The LD50 is actually lower, which means it takes less aspirin to kill you than imidacloprid. We're finding imidacloprid in test wells. Why? Because the product is •• one product on the market is called .5G. It's a very, very fine particle. Homeowners can buy it. They can't handle it. The bag says you take 30 pounds, you put it on 20,000 feet. They can't •• they're taking 30 pounds, they're putting it on 5,000 feet, or they're applying it, maybe close to correctly, there's a left •• there's a left •over 10 pounds. What do they do with it? They put it right in the garbage pail or they use it up, that's the problem.

I unfortunately haven't seen the bill. I tried to get a hold of the bill, and to this day, I don't really know what's •• I only know hearsay. Today I got a phone call an hour•and•a•half ago that told me, "Oh, the meeting was cancelled today," because someone received an E•mail •• it got through the pipeline that this meeting was cancelled, and I didn't believe it and I came up here anyway, and son of a gun, it's not cancelled. So, again, if I could see the bill, I ••

LEG. CARACCILOLO:

Okay.

LEG. SCHNEIDERMAN:

Yeah.

LEG. CARACCILOLO:

Okay.

LEG. SCHNEIDERMAN:

I'd be happy to provide you with the bill.

LEG. CARACCILOLO:

The sponsor's bill doesn't go as far as some of us would like to see it go, and in the case of others it goes too far. I think the previous speaker from the Farm Bureau and others in the past and today again reiterated their position, and I know the sponsor is attempting to work and resolve those issues. Whether that is done, I don't know. But in terms of the products that are available in retail outlets like Home Depot, homeowners ••

AUDIENCE MEMBER:

Can I add?

LEG. CARACCILOLO:

No, you don't have the floor, sir.

P.O. CARACAPPA:

Take a seat, sir.

AUDIENCE MEMBER:

I know. Can I add to your question?

LEG. CARACCILOLO:

No, you can't. You can't, no. I'd be happy to discuss my ••

AUDIENCE MEMBER:

All I wanted to tell you ••

P.O. CARACAPPA:

Sir.

AUDIENCE MEMBER:

September 31st, Grubex can no longer be used by homeowners on Long Island.

LEG. CARACCILOLO:

Thank you for the clarification, okay. But there are other products. Would you identify for us other products that are available to homeowners that they currently use?

MR. CHURGIN:

Oh, yeah.

LEG. CARACCILOLO:

Well, I mean, there's more than one; am I correct?

LEG. SCHNEIDERMAN:

Other speakers will.

LEG. CARACCILOLO:

Yeah. Maybe this gentleman has ••

MR. CHURGIN:

No, no one needs to speak for me. Okay?

LEG. CARACCILOLO:

Thank you. Could ••

MR. CHURGIN:

I know what's going on, all right?

LEG. CARACCILOLO:

Could you address my question, then?

MR. CHURGIN:

Absolutely, sir.

LEG. CARACCILOLO:

You need the microphone.

MR. CHURGIN:

Sorry. First thing, there's a hardware store right near my house, okay, and I actually went there to see what are they selling, what can you get. They had something called Rose Dust and I looked at it, and it contained something called Dysiston. Dysiston is an organophosphate, has an LD50, which is a lethal dose that will kill you, if you're •• per kilogram, how much you would need to take per kilogram of body weight? The LD50 of Dysiston is 0.2 milligrams per kilo, which means, if you inhaled the dust, you're going to die. Okay? They're selling this in the hardware store for people to put on their roses.

Now, one thing. I've trained and I constantly keep going to training and I send my employees to training, and not just willy•nilly training. I send them to Cornell. Cornell comes to us through the Cooperative Extension Services. Dr. George _Hudler_ , who is the •• I know him personally from Cornell University who's teaching us how to use products like Subdue and Subdue Maxx to fight funguses like phytophthora that are killing trees that have real economic value. I don't think the homeowner should be allowed to handle any •• I don't even think a homeowner should be allowed to put fertilizer on the lawn, because, listen, this is what I went to school for, this is my life.

LEG. CARACCCIOLO:

Okay, and that's my point. You know, this debate can go on endlessly, but if we really want to make a difference, rather than, you know, talk about aesthetic purposes, I mean the difference is going to come by banning the products to those who •• other than licensed professionals who know how to use these products and have protective gear when they use these products; would you agree with that?

MR. CHURGIN:

Absolutely, sir. When we spray even exempt products, for example, _safer surf_ , dormant oil, you would never see me or one of my employees spraying dormant oil without long sleeve shirt, gloves, respirator, goggles. Are these things that dangerous? No. But we're professionals. And when the neighbor is watching us work, they don't know what we're spraying, so we're fully protected. DEC rangers have pulled us over and patted us on the back. DEC is my friend. If

Mr. Schneiderman writes the legislation correctly, he'll be my friend, too. But to take a guy like me and sideline me where I can't do what I do best is, you know ••

LEG. CARACCILO:

Well, I'm here to be the public's advocate or devil's advocate, so let me ask you. I know this is what your profession is and you're obviously well trained, but what kind of danger are those in proximity to the applicators? What kind of risk are they at when there's a wind blowing and these dust particles, you know, go in their direction and may affect their children playing in the neighboring yard?

MR. CHURGIN:

We don't •• we would not do an application if there was a strong crosswind, and you could control it. It depends what you're spraying and how you're spray it. If you're using a large particle size and you're using low impact products, for example, with pesticides you have three types of labels, you have a caution label, a warning label, and a danger label, caution being the least toxic, danger, poison being the most toxic. Everything we spray, everything, without exception, has a caution label. If something has a warning label, I read and why. For example, most of the 2,4•D products have a danger label on them. Why? Because if you get 2,4•D in your eye, the concentrate that is, not over•spraying, but the concentrate when you're mixing, you get a 2,4•D in your eye, you just lost your eye, that's why.

You know getting back to your question, children •• if there's children in proximity, we don't spray. We usually work when there's nobody home. Any of these towns on Long Island out east during the week, it's empty, it's empty in the Hamptons. And during •• and during the week, between 9 o'clock and 3:30, you won't see a soul in most of the neighborhoods. When the children are home, we're not out.

P.O. CARACAPPA:

If we can just keep the responses to a ••

LEG. CARACCILO:

Yeah. No, I'll save •• I'll save other comments for the time we debate the

bill.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. First, thank you for coming out. The current version of the bill deals with the use of these chemicals, chemicals that are known and suspected to be carcinogens, endocrine disrupters, neurotoxins, reproductive toxins. I have been meeting with various landscapers, with people involved with cancer prevention, environmental groups, and there is •• and, plus, listening to the comments that have been at these public hearings, and I have made multiple revisions to the bill, which I haven't filed yet, and one of the main revisions will be a prohibition on the sale, the retail sale to homeowners of those types of chemicals, and it will allow the licensed applicators to use them, but still not for aesthetic purposes, but to deal with things like infestations, when there's major loss of, you know, or the threat of loss to shrubs or trees, or if a lawn is severely impacted. There will still be provisions where licensed applicators can use those chemicals, but the homeowners would not. And, partially, that grows out of an enforceability of the bill. How do you enforce the current bill without going to somebody's house and sampling the soil? It makes it very difficult to enforce without interfering with somebody's privacy, so by making the enforcement at the point of sale, it makes the bill much more enforceable. And I think it will be an improvement, and I hope you'll support it in its new form.

MR. CHURGIN:

Well, Mr. Schneiderman, to speak of infestations ••

P.O. CARACAPPA:

Well, sir, it wasn't a •• I don't think there was a question posed to you in that.

LEG. SCHNEIDERMAN:

It wasn't a question. I'll be happy to get you a copy of the new version and the current version.

LEG. ALDEN:

Point of order.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

If the author of the bill is making major changes, shouldn't this public hearing be cancelled until the public can make comments on his bill in whatever form he plans on having it passed?

LEG. SCHNEIDERMAN:

My understanding from Counsel, there is not a major change in terms of substantively what the bill is trying to accomplish.

LEG. ALDEN:

I'm just going by what you said just less than a minute ago, that you said you're making major changes.

LEG. SCHNEIDERMAN:

I'm making changes that make the bill more enforceable. It still prevents the ••

P.O. CARACAPPA:

The only way you can cancel the public hearing right now ••

LEG. SCHNEIDERMAN:

It still prevents the nonessential uses, but it also prevents the sale, and that makes it enforceable, so ••

P.O. CARACAPPA:

The only way •• you can't •• number one, you can't cancel a public hearing after it's been posted and people have come to sign up, even if it was withdrawn at this moment. So, you know, obviously, there's still going to be changes to the bill, and people coming up to speak and •• who are here for the hearing fully understand now that there are going to be substantive

changes to the bill, and it will go •• SEQRA's still incomplete. SEQRA on this bill will be completed I think ••

LEG. SCHNEIDERMAN:

Tomorrow.

P.O. CARACAPPA:

•• this week, and then it will go back to committee, I then everyone will still have a chance to go to committee and then back here to the Legislature when it •• if it ultimately lands here on the floor to speak about it in its final form then.

LEG. SCHNEIDERMAN:

Thank you.

P.O. CARACAPPA:

Just for everyone's •• the public's clarification. Okay, moving on. Robert Blumenkrantz.

MR. BLUMENKRANTZ:

I'm speaking on a totally different topic apparently. Can you pass these around? I thought you guys were trying to ban the use of pesticides in Suffolk County, so that's what that's about, so ignore it.

Jay and I worked together for many years in East Hampton trying to do even more than he's trying to do now, and I was very much in support of what he was doing there. We were trying to install •• install something called PURE, Pesticide Use Reduction Education, so that the homeowner and others would learn how to use •• how to not use slow release nitrogen in November, because it would release into the groundwater in the middle of the winter and pollute. We were trying to definitely educate the public.

Whether this •• you know, you can cut hairs on what's carcinogenic and what isn't. It turns out that broccoli, which is known •• which is known to be •• have antioxidant, which prevents cancer, also contains chemicals that cause cancer, but in general, on the whole, it's good to eat broccoli, except if you're George Bush, Sr. and you don't like, I guess.

The idea of •• I guess the only other hairy point that I want to think about is what does "aesthetic" mean? And also the three caution, warning and danger labels are a little bit misleading, because there are caution labels on some fungicides, which are •• long-term chronic use can cause much more hassle than •• you can't kill yourself if you drink an ounce, but if you drink a teaspoon every month and amounts to three ounces in a year, you'll kill yourself, because it will install •• instill some chronic disease, because there's traumatic •• killing yourself outright with one dose, or small quantitative doses that will kill you over a long time and aren't necessarily labeled correctly, so that has to be looked at.

You know, again, salt will kill you, but if taken in small doses, it enhances life, and actually you couldn't live without it. One person described something called H2O and it said it killed •• well, actually, just recently H2O killed what, close to 200,000 people in less than 24 hours in a big wave of it passed over people in Southeast Asia, H2O being water. You know, so it's very deadly and you can't live without it. So, you have to think, you know, at what •• how you use the stuff, how it's being used, what the dosage is, and, you know, things •• and things of this sort. Aesthetics is a hairy topic. What is •• what is aesthetics when you talk about ••

P.O. CARACAPPA:

Your time has expired, but there is a question.

MR. BLUMENKRANTZ:

Okay.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, you'll have to read the bill, because aesthetics is •• you know, and nonessential uses are defined within the bill. And, you know, I saw the letter that you past out and ••

MR. BLUMENKRANTZ:

It has nothing to do with what we're talking about.

LEG. SCHNEIDERMAN:

Yeah, this would •• you would •• you'd continue to be able to use this product ••

MR. BLUMENKRANTZ:

Sure.

LEG. SCHNEIDERMAN:

•• on trees with this current bill, and particularly with the new version of the bill, it won't prohibit you from doing what you do for a living, sir.

MR. BLUMENKRANTZ:

I think we, pesticide applicators ••

LEG. SCHNEIDERMAN:

It will just •• it will prevent the blanket treatment of lawns, blanket preventative treatment of lawns with certain chemicals that contain known or suspected acute human toxins. It will not prevent you as an arborist from doing your work preventing an infestation to a tree, whether it ••

MR. BLUMENKRANTZ:

Preventing an infestation.

LEG. SCHNEIDERMAN:

Whether it exists or whether you expect it to exist.

MR. BLUMENKRANTZ:

Okay.

LEG. SCHNEIDERMAN:

Okay?

MR. BLUMENKRANTZ:

Yes. Actually, at this point in time, I don't blanket spray my lawns with anything, so I love that.

LEG. SCHNEIDERMAN:

There you go.

MR. BLUMENKRANTZ:

I think, however, that ••

P.O. CARACAPPA:

Sir, your time's expired.

MR. BLUMENKRANTZ:

Oh, I can't answer anymore •• differently than what he says.

P.O. CARACAPPA:

Yeah, that's it.

MR. BLUMENKRANTZ:

Okay. I'll entertain any questions. And I have an E•mail and I have a couple of Master Degrees in the field in 32 years of professional experience.

P.O. CARACAPPA:

Thank you so much.

MR. BLUMENKRANTZ:

If you want •• especially Jay.

P.O. CARACAPPA:

John Mark.

LEG. SCHNEIDERMAN:

We'll get you a copy of the bill.

MR. BLUMENKRANTZ:

Yeah. But I maybe can help you down the road.

LEG. SCHNEIDERMAN:

Okay. I'm happy, Robert, to do that.

MR. MARK:

Good afternoon. I'm here, I'm also •• well, I'm a landscaper, I'm a certified arborist, I'm also a certified pesticide technician, and I go for continuing education on an annual basis to fulfill these •• the requirements for these certifications. I have gotten most of my knowledge about pesticides and the damage they can do by going over and above this education, I would just like to say, and there are a lot of people that know a lot more about this than I do, but I have seen the damage that they do to wildlife. I have read about the damage that these products can do to children, children in particular. And to me, I don't care if it's applied by a professional or by a homeowner. If my daughter's walking on someone's lawn that has Grubex on it, it's going to be absorbed into her body. These are chemicals that are finding their way into groundwater, and if it gets into your groundwater, by the time you start finding it in the wells, it's probably •• in my opinion, it's too late. They do do damage. We're talking about carcinogens. We're talking about things that are poison.

And I'd just like to also say, you know, on the topic of grubs, there are organic biocontrols that are effective and cost efficient. And my experience, working for myself and for other people, I would say that a vast percentage of pesticide applications are done on plants that are unhealthy for some base reason. It's treating •• trying to treat a pest when there's a reason that this tree is not growing well, or this lawn is not doing well. And I think that, you know, instilling this legislation is going to get other people to get knowledge to have healthy plants. I'm not saying that we shouldn't have beautiful landscapes, and I fully intend to continue to be a landscaper and I fully intend to continue to make a living. And this fellow says that there's nobody out in the East End during the week. My daughter is on the East End during the week. There are children out there. Thank you.

P.O. CARACAPPA:

Thank you. Larry Wilson.

MR. WILSON:

Good afternoon, distinguished Legislators, Ladies and Gentlemen. My name

is Larry Wilson. I'm a landscaper, I'm a certified pesticide applicator, and I'm Chairman of the New York Alliance for Environmental Concerns. New York Alliance for Environmental Concerns has friends and contributors from Niagara Falls to Montauk Point.

I think that I.R. 2102, the original I.R. 2102 is unnecessary and excessive. I briefly took a look at the new I.R. 2102 and I don't •• I don't think that that is any more palatable than the original bill.

As applicators, we look for credible evidence that there is a link between all of the diseases that were mentioned earlier by speakers and in subsequent hearings. We handle these materials, we apply them. Don't you think that, you know, we should have an interest in knowing what they are and knowing what they can do? Now, I certainly wouldn't put, you know •• I wouldn't put these products on my breakfast cereal, but I follow the label directions, and I take a great deal of time looking at studies. For every study that comes across my desk, you know, I send it to educators, I send it to universities, and I have people, you know, look at these studies, and a lot of them have been discredited. Many of them, they have not been able to actually reproduce the results of this research and say nothing of the 8 million dollars that were spent in Nassau County to look for a link between pesticides, a broad spectrum of pesticides, and cancer. And there have been study after study that just doesn't seem to find that link. Now, if you find that link, I'd like to know about it. And, again, I'll take a look at the study, I'll send it away to someone that knows a lot more than me, and I'll take a look at it, but I have not yet seen that link. And, again, all of this is promulgated on that link and I'd like to see the evidence.

I think that the term "aesthetic use" is too broad. I think that the nonessential, the term "nonessential use" is too broad. It's open to interpretation. And I would like to remind everyone, again, that, you know, pesticide legislation is the domain of the New York State Legislature for a reason. You know, they have an arm of the State government, the Department of Environmental Conservation that does very well in registering products for use in New York and monitoring them.

Now, this business with the imidacloprid, yes, imidacloprid, Merit, Grubex,

whatever you want to call it, was taken out of the hands of the homeowner. There are wells on •• in Nassau County and in Suffolk County that are monitored regularly, and there was specific criteria when that product was registered about how much product and what they found in the wells, and at what point there would be mitigation, and at what points there would be disqualifications, and they •• the DEC went way beyond what was specified in that enabling agreement, you know, by taking that product out of the hands of the homeowner. So, there is oversight, there is regulation, and I think that this bill is too broad and clearly unnecessary, besides being illegal. It contermends DEC law.

P.O. CARACAPPA:

Mr. Wilson, there's a question. Legislator Alden.

MR. WILSON:

Yes.

LEG. ALDEN:

I have just quick question. If a governmental agency, or federal, or New York State determines that a product or a chemical is dangerous to the point where it shouldn't be used, how do they notify you?

MR. WILSON:

Well, you know, the EPA has in the past taken products away. You know, they •• these products are subject and bound to EPA registration, and they have taken chemicals off the market, they have taken certain organophosphates and insecticides off the market. That's how they do it, rather than ••

LEG. ALDEN:

But, if you're a professional applicator ••

MR. WILSON:

Right.

LEG. ALDEN:

•• and you've got a stock pile, right ••

MR. WILSON:

Yeah.

LEG. ALDEN:

•• do they send a notice out to you that you have to destroy it or you have to send it back to them or ••

MR. WILSON:

Well ••

LEG. ALDEN:

How does that •• how does that work?

MR. WILSON:

Yes. Actually, the Department of Environmental Conservation in New York, they're the ones really that deal directly with me. They're the ones that license me. So, you know, there's a tremendous amount of information, quite frankly, on the internet, E•mail, letters from the DEC, there's an awful lot of information out there. Now, you know, can it happen if you're an applicator and you •• and a product is, you know, disqualified and you don't know about it, you know, perhaps that is possible, okay, but I don't see you have to be deaf, dumb and blind, in my opinion, not to know, for instance, that imidacloprid went from being a general use pesticide to a restricted use pesticide in New York State, everyone knows it.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Just a quick question, sir.

MR. WILSON:

Yes, sir.

LEG. KENNEDY:

Are there pesticide products that are available only to licensed applicators

that the general public can't purchase, when you go to ••

MR. WILSON:

Certainly. Yes, there is.

LEGISLATOR KENNEDY:

And that's an inventory that's maintained, that's controlled by _FEFER_ , I guess, and by •• or EPA and DEC?

MR. WILSON:

Yes. You know, DEC makes the determination in New York State as to which products, you know ••

LEGISLATOR KENNEDY:

So, when you go to purchase to a vendor, whoever it might be, you've got to show them some kind of ••

MR. WILSON:

Yes.

LEG. KENNEDY:

•• identification that you are a licensed applicator ••

MR. WILSON:

Absolutely.

LEG. KENNEDY:

•• in order for them to vend.

MR. WILSON:

That's correct.

LEG. KENNEDY:

Okay. Thank you.

P.O. CARACAPPA:

Thank you, sir.

MR. WILSON:

Thank you.

LEG. SCHNEIDERMAN:

Joe.

P.O. CARACAPPA:

Oh.

MR. WILSON:

Yes, sir.

P.O. CARACAPPA:

One other question.

LEG. SCHNEIDERMAN:

Just real briefly, because you mentioned you didn't support 2102 in its •• the current form and the new form, and I haven't distributed the new form yet.

MR. WILSON:

Well, I just saw it in new form. Actually, it's floating around the room. I know that ••

LEG. SCHNEIDERMAN:

So, have you really had to •• because I think I've clarified a lot of •• some of the definitions you've talked about, so maybe you want to spend a little bit more time, and I'd be happy to talk to you between now and the next public hearing and ••

MR. WILSON:

That's fine.

LEG. SCHNEIDERMAN:

•• and hear in detail ••

MR. WILSON:

You know, again, it's just the blanket use of •• you know, I understand that the blanket use of a •• you know, blanketing of, you know, a lawn now, what does that mean? That's a lawn application. And there are different ways of doing it.

LEG. SCHNEIDERMAN:

Oh.

MR. WILSON:

I agree.

LEG. SCHNEIDERMAN:

Well, there's an exemption for infestations, and infestations, I think, is fairly clearly defined in the bill, and it sets different thresholds for lawns. It sets a higher threshold for a lawn than it does for trees and shrubs. In a lawn, you would have to actually ••

P.O. CARACAPPA:

Question.

LEG. SCHNEIDERMAN:

•• have an infestation ••

P.O. CARACAPPA:

Question.

LEG. SCHNEIDERMAN:

•• amounting to 25% of the lawn area. A tree and shrub, you can do preventive work on a tree and shrub, if you believe that the tree and shrub could lose 50% of its retail value.

MR. WILSON:

Well ••

LEG. SCHNEIDERMAN:

But it's all described in the bill and I'm ••

MR. WILSON:

I'd just like to ask one simple question. There's a weed, there's crabgrass •

P.O. CARACAPPA:

Sir.

MR. WILSON:

Yes.

P.O. CARACAPPA:

We're not going to sit and debate this bill.

MR. WILSON:

All right, okay.

LEG. SCHNEIDERMAN:

Well, I thought I was answering a question, so •• but, please, give me a call. I'd be happy to go over the bill with you.

MR. WILSON:

Thank you very much.

P.O. CARACAPPA:

Chris O'Connor.

MR. O'CONNOR:

For the record, my name is Chris O'Connor. I'm the Program Director for the Neighborhood Network, a 30,000 member organization throughout Long Island.

I wasn't really going to speak about this bill today, because I had spoken to it previously, but any •• any time I start to hear about the wonders and joys of chemicals and pesticides, it just makes me want to rise and talk about it.

Let's talk about some chemicals that was recently noted by the other

speaker about •• you know, that was taken off the shelf. Does everyone remember Dursban or Diazinon? These chemicals were used for aesthetic purposes at one time only a few years ago. They were thrown all over our lawns, and I will say by homeowners who didn't know what the hell they were doing, and also by applicators who were certified and trained to use them. Now, these were banned during the Bush era, not by the Clintons, but by the Bush Presidency. Why? Because they were found to affect the immune system of our young children. Now, that's important to note, because a lot of times our chemicals or chemical testing methods over the years were not testing for our young people, but for how they affect adults.

The National Academy of Sciences, in their '93 study of children and pesticides, noted that one direct exposure to a neurotoxin pesticide can cause the brain sensation of a fetus during the first weeks of pregnancy.

Now, we can debate about cancer and we could debate about a lot of other different things, but the one thing that you can't debate about is the neurotoxic effect of some of these chemicals. You read the warning labels, may cause dizziness, may effect the central nervous system. If anyone has opened up a can of Sevin and really read the causes and effects of that chemical, you would never use it. You would never use it around your neighborhood and you would never use it to begin with. There are other methods that can be used to deal with chemical •• with chemicals.

You know, the mention of organics sometimes sends fright chills down people's throats who are applicators, but there are many landscapers today that are using organics or alternatives to deal with their green lawns. And why on Long Island do we need our green lawns so much? Many of us •• my time's up?

P.O. CARACAPPA:

You could sum up, Chris.

MR. O'CONNOR:

Okay. Many of us love our green lawns, I love my green lawn, but there are other ways to deal with this. Now, I do agree that homeowners are not the best educated people to be using this. I one time saw somebody spraying

Sevin with •• you know, in their stocking feet, and they didn't know what it was, and their idea was, well, if they didn't •• if it wasn't safe, they wouldn't sell it. Well, that isn't safe and that's not the best way to apply it.

So, one way to address this issue, and which Legislator Schneiderman is beginning to open up the dialogue on that, is let's get this out of the hands of the homeowners, let's put it in the trained applicators' hands who can use it in limited ways, and perhaps we can make this a safer Long Island. Thank you.

P.O. CARACAPPA:

Thank you, Chris. Laura Weinberg.

MS. WEINBERG:

Hi. I'm Laura Weinberg and I'm a member of the Long Island Cancer Task Force, and I'm president of the Great Neck Breast Cancer Coalition.

Nonagricultural use of pesticides in Suffolk County in the Year 20002, the most recent figure available, was 3,400,466 pounds and 298,000 gallons. Breast cancer and cancer advocates are very concerned about this exorbitant pesticide exposure for the following reasons:

Previous reports on pesticide usage show that at least 40% of the reported pounds of pesticides used for lawn and tree care are probable or possible carcinogens. Previous reports have also shown that 25% of pesticides used for aesthetic purposes may imitate hormones such as estrogen in our bodies. A woman's lifetime exposure to estrogen may increase her risk of getting breast cancer.

Recent studies have also shown that pesticides have found their ways into our bodies, as has been detected in our blood, body fat, in breast milk, and also has been detected in amnionic fluid. A 2005 CDC biomonitoring report that is due to come out shortly shows that the CDC is monitoring the presence of at least 30 pesticides in our bodies, including the popular weed killer 2,4•D.

As children play on lawns and have direct contact with weed killers, the

Lymphoma Foundation of America cites at least 75 studies that link lymphoma with certain weed killing pesticides such as, again, the popular weed killer 2,4•D. Please, also note that during the period beginning in 1976 and ending in 19 •• ending in 1970 •• '97, NonHodgkins Lymphoma increased 68% for males and 50% for females.

A Director of Mount Sinai Center for Children's Health and the Environment testified that one recent study in California found that the use of professional pest control services at any time from one year before birth to three years after was associated with a three•fold risk of childhood leukemia.

Due to all these public health concerns, several provinces in Canada recently have banned the cosmetic use of pesticides. A six •• a 165 page report issued, I'll give this to the Legislature, from the Ontario College of Family Physicians called the systematic review of pesticide human health effects shows that numerous studies that link cosmetic pesticides with childhood leukemia and other cancers, studies that show how our genes are susceptible to the adverse effects of pesticide exposure, chronic neurological effects, and several other health afflictions.

Today there are abundant and readily available nontoxic and least toxic pest management techniques that certainly lend themselves to being profitable for many landscapers, and I have spoken to many landscapers and they're finding that their business is growing, especially in Westchester right now where there is a huge program headed up by County Exec Andy Spano, and that's very •• been very successful.

P.O. CARACAPPA:

Ms. Weinberg.

MS. WEINBERG:

Many of our members of ••

P.O. CARACAPPA:

Your time has expired.

MS. WEINBERG:

Oh, okay.

D.P.O. CARPENTER:

You can leave a copy with the Clerk, he'll share it with us.

MS. WEINBERG:

I want to submit all of these different things to the Legislature.

P.O. CARACAPPA:

Laurie.

LEG. SCHNEIDERMAN:

Laura, could you just say if you support the bill.

MS. WEINBERG:

Oh, I absolutely support the bill and that's why I was, you know, speaking on all those different pieces of evidence.

P.O. CARACAPPA:

Karen Miller.

MS. MILLER:

My name is Karen Miller, and I'm the President of Huntington Breast Cancer Action Coalition, and recently made an advisor to the Director of the National Institute of Environmental Health Science, which is one of the 18 •member agencies of the National Institute of Health, and I support the bill on the floor today.

Recently, on January 24th, 2005, under the direction of the President of the United States, a hearing was held at Memorial Sloane Kettering. Translating research to reduce the burden of cancer was the subject of the day. Dr. Kenneth _Olden_ , the Director that I serve, was one of the speakers there, and he was asked to provide an abstract on his talk. Dr. _Olden_ cited eloquently that it's time we debated on the nation's investment strategies and priorities as they relate to human health and disease, and that the nation needs a new vision for health, a vision that emphasizes health promotion and disease prevention.

We all know that dynamic changes happen community by community. The County of Suffolk has always looked at the big picture. We, in short, have been visionaries, leaders, risk•takers, because we think practically and progressively. For 12 years you at the Legislature have never disappointed me. I am one of the thousands of women in the County of Suffolk diagnosed with cancer of the breast, yet interestingly enough, I'm here today because I'm also a grandma of twins and another baby on the way.

Cancer and the environmental, many studies have emerged over the past dozen years. The scientists have learned much. They know that levels of environmental exposures need to be measured near the time of the diagnosis, at the time of the initial exposure. It's a very difficult task, to say the least. Think of it. We can continue to take a short road, design drugs to treat cancer, but we all know that all drugs have side effects. Short term, long•term and any terms, drugs to treat disease is not the answer. We much support environmental research, and we need to promote public health and disease prevention.

On the market today, sold and used in homes all around Suffolk County is pesticides that have been classified by the EPA as known carcinogens. Having endocrine disrupting capability, they are highly neurotoxic, and have a direct and serious negative effect on the human nervous system, and they affect our DNA. When our cells are exposed to pesticides, they divide rapidly, which decreases the time for DNA repair. Sometimes these exposures to toxic pesticides have a negative effect within our DNA. Imagine that type of negative effect. Disease is not caused by bad genes, it is caused by exposures to a toxic environment and genetics.

It's difficult, to say the least •• it's difficult, to say the least, to be able to change our genes, but we can and must change the way •• our exposures to toxic environment. If we work together, if we see the outcome of our work is less incidence of disease, we'll change the paradigm right here in Suffolk County, less cancer, less Parkinson's, less autoimmune disease, less children's leukemias. Promoting public health and disease prevention, that should be our collective goal.

P.O. CARACAPPA:

Thank you.

MS. MILLER:

Thank you.

P.O. CARACAPPA:

Thank you.

MS. MILLER:

I'm going to submit for the record a brilliant paper, its called "State of the Evidence", and it's connecting disease and the environment.

P.O. CARACAPPA:

Thank you.

MS. MILLER:

Thank you very much.

P.O. CARACAPPA:

George Starkie.

MR. STARKIE:

Hi. My name is George Starkie. I'd just like to mention that on the way here, I was going to be late for the meeting, and there's laws about not speeding. So, I was thinking about that, and I'm thinking how ironic, because I'm coming here and basically what I have on this E•mail is that Suffolk continues to proceed towards this legislation, even though they know it's illegal under New York preemptive regulations. And I find that a little shocking that there's a lot of laws on the books that I don't like, and yet sometimes I see the Legislature, not just here, but around the country, and I thought about gay and lesbian marriages, whether you're for it or against it or not, there's just certain rules that you have to follow. And I don't like all the rules, I don't grow with them. I would rather have done 70 so I didn't have to walk in here late than do the 55 mile an hour that was posted. So, that was one of the things I wanted to get on the record.

I also •• everyone can put spin on the facts, that's people's jobs is to put spin on. And one of the things that I heard said was that Dursban was banned, and, unfortunately, that's misleading. It's not banned, the labeling on the product was changed. It's still available. In fact, it can be sold today. It's regulated like a lot of the other pesticides that we were speaking about.

I want to also put this in for the record, and I made copies so that you folks can have it. It's called "Scare Tactics on Pesticides Mislead the Public." And the interesting thing about this paper is that it was written by Everett Coop, who used to be our Surgeon General. So, this guy's no slouch, he's a very knowledgeable guy. And he talks about when he had to give up cyclamens • cyclamates because they were found to be toxic. And he really loved cyclamates in his Fresca. And he put a little note in here that, basically, I would have to drink four bathtubs full of Fresca daily for about eight years to have the equivalent dosage that it was needed to cause cancer in these laboratory mice. So, number one, I think what you're doing is illegal, from what I've been told.

I went up to Lobby Day up in Albany. Not a great thing. It's kind of boring, actually, but, you know, this is the way the game is played, and I was told that if I want to speak to my Legislature, to go to Albany. And I didn't agree with a lot of the stuff that I was hearing, so I went up and I was heard, and, you know, I didn't quite get everything I wanted, but that was the way the game was played and the rules are made, and although I didn't agree with it, I played by the rules and I would hope that the Legislature would consider doing that also.

I'm not saying that there isn't some need for tweaking, I'm not saying •• and I've been in this industry all my life. I'm a farmer on the eastern end of the Island. I'm also a retailer that sells pesticides, I'm also a wholesaler that does the same. I have a •• I've been licensed since license were required. I consider myself very well versed on the subject. And one of the things that I've heard said before is that these things store in your fat cells and, yet, I'm a pretty chunky guy and nobody's ever asked me for a donation, and I've been around these things all my life, and I'd be willing to give that donation and be the experiment.

P.O. CARACAPPA:

Mr. Starkie, if you could just sum up.

MR. STARKIE:

But thank you for your time. I think I've covered all my points.

P.O. CARACAPPA:

Thank you so much. John L., it looks like Irwin.

MR. IURKA:

The name is Iurka.

P.O. CARACAPPA:

Iurka.

MR. IURKA:

But it gets mispronounced a lot. I just wanted to make a very short statement, that I'm representing a couple of organizations, Professional Certified Applicators of Long Island, which is a group of pesticide applicators that works together with New York State DEC and the industry in trying to promote fair laws and regulations, also Greenpoint of New York, which is an arborists consortium, which does the same thing. We have already made presentations to this group and to Legislator Schneiderman, and I hope that we can continue to work together in perhaps developing legislation that meets everybody's requirements. So, thank you.

P.O. CARACAPPA:

Thank you very much. I have no other cards in this matter. Motion to recess by Legislator Schneiderman, due to the fact that SEQRA is not closed, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public hearing on 2102 is recessed.

Moving on to Public Hearing regarding ***I.R. 2128 • Authorizing of alteration of rates for Davis Park Ferry.*** Anyone wishing to be heard? I have no cards. I believe there needs to be a motion to recess, so there's a motion to recess by myself, second by Legislator Carpenter. All in favor?

Opposed? Abstentions? 2128 is recessed.

Moving on to Public Hearing regarding ***I.R. 1003 • A Local Law establishing new standards and controls for alarm systems that require Police Department response.*** I have a lot of cards. First speaker is Paul J. Romanelli.

MR. ROMANELLI:

I have some handouts. I might as well give them all to you. Good afternoon. My name is Paul Romanelli. I am the President of Suffolk Security Systems, a New York State licensed alarm dealer located in the great Legislative district, First District ••

LEG. CARACCILOLO:

Number 1.

MR. ROMANELLI:

In Southold, New York. My company monitors and services several thousand burglary and fire alarm systems throughout Suffolk County. My company is also a member of the Long Island Alarm Association, a trade group representing the interests of nearly 700 licensed alarm installers in Nassau and Suffolk Counties. We are also members of the New York State Burglary and Fire Alarm Association, the National Burglary and Fire Alarm Association, and the National Fire Prevention Association.

For the record, I abhor false alarms, and I've invested significant time and money toward false alarm programs within my company and within our trade associations. In fact, in November of 2003, I spoke on behalf of the Long Island Alarm Association to the Suffolk County Chiefs of Police Association about creating a joint false alarm prevention program. We had great cooperation with the Chiefs in attendance, and we're looking forward to creating a joint program that could be utilized not only by Suffolk County, but by the other municipal police departments within the County.

This resolution is a slap in the face towards that cooperation, and frankly, through the experience of dozens of other police departments nationally, it will not reduce false alarms, but will simply add another layer of bureaucracy

and costs to Suffolk County.

My company and the associations that I am members of are not opposed to false alarm legislation, nor are we opposed to a fine schedule for false alarm abuses. However, the fine schedule proposed in the resolution is grossly unjustified and an economic hardship for many of our constituents that need burglary protection.

The actual cost associated with false alarms in Suffolk County in this resolution are misleading. At our November meeting, one Suffolk County chief told me that sending officers on alarm calls, false or not, has helped them pay more attention to the other activity in their patrol. Furthermore, according to the International Chiefs of Police, and I should leave that •• I left that documentation here, it should be borne in mind that responses by police to alarm calls have directed them into residential and business areas, adding to their visibility as they move throughout that portion of their jurisdiction. Police Crime Prevention Officers have recommended alarm systems and given them partial credit for the reduction of burglary rates throughout the •• throughout the last decade.

Alarms are a proven method of detecting intrusion and communicating that need for help. The true solution to the false alarm problem requires a system•wide approached involving the public, the alarm industry, and other enforcement agencies. The time has come to coordinate a national uniform effort to develop measures that effectively reduce false alarms.

I realize my time is up. I'll leave the rest of the statement with you. And in this statement, there are several cities and model programs, including within Southold Town, where we have aggressively, in cooperation with government, reduce false alarms significantly.
Thank you very much.

P.O. CARACAPPA:

There's a question, Mr. Romanelli.

MR. ROMANELLI:

Yes.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I know you're leaving a lot of documents with us. Has your association done any studies as to the •• like what are the leading causes of, you know, of false alarms. Is it equipment failure, is it •• you know, what would be the causes to those?

MR. ROMANELLI:

The most common failure of a false alarm is user error. Either a homeowner arms his alarm system and forgets that the cleaning lady's coming today and doesn't give her the code, or something along those lines. The most common, probably I'd say close to 75%, I don't have that statistic in front of me, but I'd say 75 to 80% of false alarm are user error, not mechanical.

LEG. ALDEN:

Now, does the documentation you gave us, does that fully address all the •• like the whereases and the intent clauses in the proposal?

MR. ROMANELLI:

Absolutely.

LEG. ALDEN:

Good.

MR. ROMANELLI:

There is actually a model states ordinance that I submitted that was created by the National Alarm Association, as well as the International Chiefs of Police, and that document has been completely ignored by this administration.

LEG. ALDEN:

Thank you for coming down.

MR. ROMANELLI:

Thank you.

P.O. CARACAPPA:

Thank you, sir, appreciate it. Andrew Lowitt.

MR. LOWITT:

Good afternoon. My name is Andrew Lowitt. I'm with Lowitt Alarms and Security Systems. I'm Vice President of Operations. We also maintain a central monitoring system called Metrodial. We provide monitoring services for thousands of businesses and homeowners in Nassau and Suffolk County. We do not support the bill on the floor. We feel that severe false alarm fines will punish legitimate alarm users, and may result in the cancellation of alarm and monitoring services by these legitimate users, resulting in an increase in crime and potential loss of inventory.

We respectfully request that the Legislature look at the Nassau County alarm permitting system, which is extremely successful, raises a high amount of revenue for the County, and it works for all involved, including the Police Department, alarm end users, and alarm companies.

We also respectfully request that the Legislature and the Suffolk County Police Department work with the International Association of Chiefs of Police who are now evaluating a false alarm reduction course over the internet, which is sponsored and developed by the Central Station Alarm Association, which is used to have chronic false alarm users go through an internet base course to educate them on alarm use, proper use of their alarm systems. As Paul mentioned, the majority of the false alarms are caused by the end user.

We feel that large false alarm fines do not serve the public interest. We do believe that permitting, enforcement, education, and, if necessary, reasonable false alarm fees to chronic alarm users do serve the public interest. Thank you.

P.O. CARACAPPA:

Thank you. Fred Leonardo.

MR. LEONARDO:

Good afternoon. I'm the President of Electronic System Central Station Alarms in Suffolk County, I'm also a businessman, property owner, landlord and a resident. I'm also past President of the Long Island Alarm Association and the New York Burg. and Fire Alarm Association.

In regards to this proposal, I'd like to make a few comments.

First of all, we believe that Suffolk County needs an alarm ordinance. The alarm industry does not oppose an ordinance. It has been proven throughout the country that a well drafted ordinance will reduce false alarms by 50 to 65%. As you may know, the use of alarm systems has increased tenfold over the past ten years, but the false alarm rate has not. This is because the manufacturers have made many advances in technology and in false alarm reduction methods.

The Long Island Alarm Association in the past has work with the Suffolk Police Department on this issue. The last County alarm law failed and was repealed because it was not properly drafted and implemented. The proposed law will do the same if not properly done. False alarms are not reduced by an ordinance with outrageous false alarm fees and penalties, it's done by using licensed alarm contractors, implementing permit fees, and reasonable false alarm fees. It is not done by imposing police nonresponse and requiring •• and it's done by imposing police nonresponse and required mandatory repairs and inspections of systems, if you want to have the police response reinstated. It's done by training the alarm user on their systems, and, in chronic cases, requiring false alarm prevention costs. It can also become self•funding. If this ordinance passes as is, it will fail. It will be challenged and bogged down in the courts.

Speaking as a landlord, I feel to levy a property owner for tenant's false alarms is totally ridiculous and beyond my comprehension.

The Alarm Association has worked with Nassau County to adopt and to put in effect an ordinance that works. This is enforceable and is fair to users and to the County. We have supplied Suffolk County Police with copies of the ordinance in the past. A copy of the current Nassau ordinance was supplied to The Honorable Jon Cooper for his review. I feel that this

proposed law should be reworked, so it will not be challenged on a daily basis and fail. We as the leaders in the security industry offer our assistance to you in every way possible to help you accomplish this. Thank you.

D.P.O. CARPENTER:

Thank you very much.

MR. LEONARDO:

You're welcome.

D.P.O. CARPENTER:

Next speaker Philip Lagravinese. I apologize policing if I mispronounced that.

MR. LAGRAVINESE:

That's Lagravinese. Good afternoon. My name is Phil Lagravinese, President of the Long Island Alarm Association. My association represents New York State licensed alarm installation service and maintenance companies. I want to make it clear that this association supports alarm ordinances that will clearly reduce false alarms and enhance public safety measures.

I commend the Police Commissioner in his efforts to reduce false alarms in the County, however, I feel he needs to reach outside the Police Department for the resources of those who have successful programs in place now. By setting into place an ordinance that will be administered by the Suffolk Consumer Affairs Department removes the criminal justice process. How can they administer penalties that include misdemeanors, which are considered a criminal action? Who will be qualified to make these determinations?

There are too many legal issues with this proposed ordinance that will end up costing the County valuable time and money in the court system. There are successful working ordinances that have the ability to reduce the false alarm problem in the County by at least 50%. To accomplish that goal, it takes the efforts of the alarm industry, working with government, to construct an ordinance that will work to reduce the load of our Police

Department, while protecting the well•being of our County residents.

You have heard from all the other speakers today, so I'll be quick. I only ask you to allow us to assist you in drafting an ordinance that will be effective and fair to the community and to the Suffolk County government. Thank you for your time.

D.P.O. CARPENTER:

Thank you very much, sir. Next speaker, Jeff Bertuccio.

MR. BERTUCCIO:

Good afternoon. I'll make this quick. I just found out about this ordinance actually yesterday, so I'll make this, again, very quick.

I'd like to commend Rich Dormer for trying to implement the false alarm law where it will actually eliminate the Police Department going out on false alarms. I think that this law, though, does need fine tuning. I am a •• I'm the President of Alarm Tech, which is located right here in Hauppauge. I am a licensed installer in New York State, and a member of the Long Island Alarm Association.

I think that the law is a good thing, but it does need a lot of fine tuning, and I think it needs a little more time with the Association to be able to render a proper •• a proper law. I also think that there's other things to look at just briefly, like are we dealing with false alarms from companies that are out of state and are not doing business in New York State. Other states themselves like Florida only let monitored systems be reported to their police departments if they're •• if they're installed by a company that's in their state, meaning, in other words, New York State Alarm Company should really be the only company that should be able to dispatch to the Police Department and that's really it. Thank you.

D.P.O. CARPENTER:

Thank you very much. Excuse me. You had said that you only heard about this yesterday. How did you hear about it?

MR. BERTUCCIO:

Through the •• through our association we found out •• I found out about it, and I believe our association found out about it yesterday.

D.P.O. CARPENTER:

Have they been working with the Police Department on this?

MR. BERTUCCIO:

Previously, I believe so, but I believe that it was back towards 9/11 ••

D.P.O. CARPENTER:

Okay.

MR. BERTUCCIO:

A few years ago, where they started something, and they had to •• I think the ball kind of dropped after 9/11.

D.P.O. CARPENTER:

Okay.

MR. BERTUCCIO:

But I definitely •• our association will definitely help out and work with the County to turn around, to do this correctly, and so that it's good for the County and it eliminates false alarms. I mean, I took •• I took my •• I took out time in my own day to get down here. I thought it was important for me to be down here to say my piece. I'm not a speaker, but I'd like, you know, just to implement that it needs more time, and there's a few little odds and ends that have to be noted, and corrected, and fine tuned in this law.

D.P.O. CARPENTER:

Well, thank you very much.

MR. BERTUCCIO:

You're welcome.

D.P.O. CARPENTER:

I do appreciate the fact that you did take time out of your business day to be down here and express your feelings about it. Unfortunately, the Police

Commissioner just stepped out of the auditorium, but I think it's important for him to hear this kind of feedback. And I think if success •• if this kind of legislation is to be successful, the only way it's going to be is working hand in hand with the people that really are in the field on a day•to•day basis. So, thank you for coming down.

MR. BERTUCCIO:

Thank you.

D.P.O. CARPENTER:

Next speaker, Robert Spetta.]

MR. SPETTA:

Yeah. My name is Robert Spetta. I'm President of Alarm Tech Central Service. We're a central station that monitors thousands of customers on •• in Nassau and Suffolk County. And being on the tail end of this, I just wanted to reiterate a couple of things.

Number one, alarms are here to stay, there's nothing with we can do about that. They're an integral part of most people's lives, and they're that way because of a safety issue. And I think that has to be reiterated here, that we are dealing with the lives of the people that these alarms affect, and anything that we can do to work towards the public safety is an important thing.

Clearly, this false alarm issue is a matter of education, and education is part •• is an integral part between the industry and the County in order to implement this to the end users, so that we can cut down on false alarms, and that's •• that's what we really have to do here, and I think that's really the key thing here, that the County and the associations have to get together in order to help with the reduction of alarms that are false alarms in the County. And, really, I have nothing further to say as far as ••

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Thank you. Andrew Lapinski.

MR. LAPINSKI:

My name is Andrew Lapinski and I'm from Good Strong Lock and Alarm, and I'm a licensed New York State alarm installer.

One of the main things that concerns me about this is that the numbers that are given in the intent show that there were 157,039 responses to false alarms at two•and•a•half •• 2.5 •• well, \$2,597,000. That amounts to about \$16.54 per false alarm call, and yet for the first offense there is no fee, but for the second offense it's \$350. Now, if you take two offenses times the 16.54, that's 33.08. You're actually adding on a one thousand percent increase over the cost, so I think it's rather unequitable to do that to somebody. That's one issue that I have with the numbers that are in here and the amount of the fines that are going to be levied.

If your wasting patrol time and money that states in the Legislative intent, you're really intending to get money back from a specific group of people and those happen to be alarm users. And I'm wondering if there is anything else or anywhere else that this type of policy is effected. Is it •• if your car breaks down and you're a patrol officer and you have to bring your car into the car dealer, does that car dealer have to pay a penalty because that car is out of service and the patrolman's out of service, or the patrolwoman's out of service? See, you're focusing on one specific group and not including everybody in that group, and I think that's totally unfair that we are the ones that have to •• excuse me •• we're the ones that have to pay the brunt of replenishing the funds that are lost.

If a printer is down, and the printer, you can't •• you lost productivity because of a printer, I mean, what I'm trying to get at here is there are so many things that can go wrong and, yet, who else has to pay for the lost time? Is it just the alarm installers or the alarm •• people who are using this? There is something wrong with that. So, I think that this bill is totally irresponsible in trying to levy the fines against the people who are using the alarm systems.

And you also mention here there's a necessity to establish a mechanism

whereby the County can track alarm system use. I don't understand what that means. Tracking alarm system use, most alarm panels will do that, they'll tell you when systems are armed or disarmed. All you can really do is track false alarms, and, well, haven't you been doing that for years already, how you come up with these numbers and figures? So, what is that you're going to get by including this in the bill?

P.O. CARACAPPA:

Sir, I just remind you, this is a County Executive bill, not a bill from the Suffolk County Legislature.

MR. LAPINSKI:

Okay.

P.O. CARACAPPA:

It wasn't proposed by anyone in this chamber, just ••

MR. LAPINSKI:

Okay. But I'm just bringing out these points, because ••

P.O. CARACAPPA:

Yeah.

MR. LAPINSKI:

•• this is what addressed •• is what addressed here and I just don't understand why these things were being passed through when they have all these flaws in them. And I think it needs to be rethought and reworded equitably and fairly among all the people and not just specific groups. And also focusing on licensed alarm installers as •• I'm sorry, unlicensed alarm installers who maybe also causing part of the problem. I don't know I've ever heard of •• I don't know if I've ever heard of anyone being licensed •• I'm sorry, unlicensed and being penalized for it. All of this focuses on the alarm systems. But that being said, I think one of the best things we could do is carry on the ongoing dialogue with the alarm associations of Long Island and the State and local, as well as with the police and County officials. That's it.

P.O. CARACAPPA:

Okay. Thank you. Marty Lanz.

MR. LANZ:

Good afternoon. I'm Marty Lanz. I'm past President of Metropolitan Burglar Alarm Association, for three terms served on the National Burglar and Fire Alarm Association, Board of Directors, served on the False Alarm Committee for the National Burglar and Fire Alarm Association, was instrumental and I was the lead in the Nassau County legislation to permit the alarms in Nassau County.

I think we lose sight of some of the facts here. We keep talking false alarms. We don't know what a false alarm is, what the definition of it is. The reality of it is it's a nuisance alarm, it's an alarm that went off, and we don't know why; okay? A percentage of all those alarms that are in your list are actual burglaries that the burglar was deterred, he just didn't break down the door. He forced the door open, the alarm went off, he closed the door and ran away, which is a typical M.O., because then there's no evidence they did anything, oh, that's a false alarm; okay? The one time he opens the door and the alarm doesn't go off, that's a burglary. You want to stop responding to all those alarms, well, so be it.

I mean, imagine the County if you didn't have alarm systems. You'd have to have five times more police than you have right now, because every store needs a cop. You can't have a business without an alarm. You're going to leave it for the weekend, you're going to come back, you're going to find an empty store, the same as your house. I mean, today people have a lot of wealth in their homes, paintings, VCR's, flat screen TV's at \$5,000 bucks a pop; okay? Well, if you don't have an alarm, you may as well leave your doors open. This is a service that the County provides, police protection, which is a constitutionally guaranteed service, it's what we're here for, it's what you're here for. If you don't want to protect your citizens or penalize them, that's another so•be•it.

I mean, a rational approach to this problem, and it is a problem and nobody says it's not, is to come up with a set of regulations that control the problem

like you control traffic. You don't have a cop on every corner. And how many people stop at red lights for no reason, because there is no traffic coming, but you stop at it anyway, waste gas. Well, a lot of things, it's all •

- it's all part of the overall package, and if you look at some of the legislation that you've been seeing and there's •• we'll be glad to work with you with the associations that come up with a regulation that works for Suffolk County, that's cost effective, that doesn't deprive its citizens or punish its citizens, I think we're •• we'd be on the right track.

I think that this proposed regulation, it's •• I don't want to say absurd to fine somebody \$750 for the third false alarm. Imagine you're away for the weekend, your alarm goes off five times or six times and they come back and you get arrested because you've had four false alarms. I mean, there's no thought behind this thing. So, I think that it needs to go back to committee and be worked on, and if somebody is serious about it, there are plenty of people who can work on it with you. Thank you very much.

P.O. CARACAPPA:

Question.

MR. LANZ:

Yes.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Thanks for coming down, but just one point of clarification. This isn't our bill, but I have a strong suspicion that we're going to have some kind of a resolution, and I would appreciate if you would help work on that with us. But it's your testimony that, from reading this bill, if you had an alarm system and somebody tried to burglarized your store, the alarm went off, that's going to be included in the ••

MR. LANZ:

Sure, unless you ••

LEG. ALDEN:

•• in the statistics. And you could face a huge fine, because your alarm system deterred somebody?

MR. LANZ:

Absolutely. And category time and time again, we've had many, many instances where the back door wasn't locked, somebody tried to break in, they opened up the black door, closed the back door and ran away. Or we've come back and we found a broken window in the basement and the Police Department certified it, you know, unwanted alarm.

We had one in New York City •• I'll give you this one, then I'll shut up; okay? They responded to a truck alarm business, a burglar alarm, and they put a sticker on the door "unnecessary false alarm" and they gave the guy the notice that New York City gives; okay? Well, right next to that door, ten feet away, is an overhead wooden door that the burglar drove the truck through on the way out; okay? We had a ten•by•ten foot hole in the door, dirt and glass all over the place, guys got a thing there "unwanted alarm" •• they gave him a notice of unwanted alarm.

LEG. ALDEN:

But, also, in the proposed legislation for the County Executive, just those examples you gave would be included on statistics that would say that we wasted police resources ••

MR. LANZ:

It's absolutely ••

LEG. ALDEN:

•• and wasted dollars.

MR. LANZ:

Well, that's what I said, I said out of those ••

LEG. ALDEN:

When they're deterring crime.

MR. LANZ:

Out of those statistics that you've got, there are many, many attempted burglaries that are in that statistic. There are also burglaries that are in that statistic. There are also runs that are in that statistic that are positive runs, okay, but nothing •• nobody was arrested, nobody was seen. You're breaking through the roof.

You had a whole rash of burglaries in Suffolk County where this cat burglar was climbing into •• climbing on the roof, breaking out the vent, dropping into the bedroom, doing his thing. The police responded, there was no sign of burglary. They're not going to break into the home. I mean, there is •• it's a really nebulous system, this unwanted alarms issue, it's not a clear•cut thing. If a homeowner doesn't lock his back door and the burglar opens up the back door and sets off the alarm, or the newspaper boy opens up the back door and sets off the alarm, is that an offense? Should you be fining somebody for that? I mean, I don't think so. It just doesn't make any expense.

P.O. CARACAPPA:

Legislator Mystal. I'm sorry, were you done, Cameron? Cameron, you're done?

LEG. ALDEN:

Yeah.

P.O. CARACAPPA:

I'm sorry.

LEG. MYSTAL:

I'm trying to stay away. I don't have any •• I'm not either for or against this bill yet, because I don't understand it. I just want to ask you a question.

MR. LANZ:

Sure.

LEG. MYSTAL:

I do happen to know, at least in the County of Palm Beach in Florida, that if you have an alarm system in your house, first of all, you pay a fee of \$5 to the Sheriff's Department, and if you have a false alarm, they charge you \$75 for every false alarm that you have. I do know that; okay? You know, I know that, trust me, I do know that. And you know, because one time, like you just said, I had to pay over 400 bucks because I was up here and the alarm kept going on in ••

MR. LANZ:

Yeah, but he could be arrested now.

LEG. MYSTAL:

•• the house down there. Well, it kept going on and I didn't find out for ••

MR. LANZ:

Yeah.

LEG. MYSTAL:

You know, for a long time. And I also happen to know that the City of Cincinnati, Ohio has the same thing, if you have a false alarm, you get •• you get charged \$75. Now, what I'm trying to find out, you know, except for the fact that you get arrested here, really be tough in Suffolk County.

MR. LANZ:

Well, we do things right here.

LEG. MYSTAL:

Yeah. What I'm trying to find out is that, you know, how •• minus the fact that you get arrested here, how does this bill differ from anything that has happened in other states, in other cities, where you get fined if you have a false alarm?

MR. LANZ:

Well, from the outset, this is not a bill, this is •• well, it is a bill, but it really is not a bill, at least not from any of the bills I've ever seen. This is almost a footnote, really very, very simplistic, and I don't think in its present form it really could go anyplace. But most bills have •• on sample ordinances

where there is fining, and I don't always think that that's the best approach, but if it is, usually, you have one or two in a 30-day period, what you're looking to do is stop the chronic. You're not looking for the homeowner that has one or two a year, you're looking for the guy who has seven a month or five a week, or as like some of the major stores in this area that have a hundred a month, you know. I mean, I don't •• HD something or other, big factory place that has a lot of building materials, they have an awful lot of false alarms.

And, I mean, some of this stuff just doesn't make sense. You're going •• you're going bird hunting with a Howitzer, it just doesn't make sense. A couple of morning's, if you have a problem, if it's chronic, if it's persistent, that's when the fining should be kicking in, when there's no other way to reach most people. Most people in Nassau County, to send a letter, you've had two false alarms in the past, you know, month. If you don't have it fixed, inspected and sent back right away, we're going to discontinue service, the threat; okay? And there's no •• there's no appeal. It isn't look with your thing, everybody you give a fine to, they're going to go to court. They're not going to fork out that kind of money.

LEG. MYSTAL:

Well, no, I didn't, I didn't.

MR. LANZ:

He told me he did it after five of them.

LEG. MYSTAL:

No, I did not, because the way I found out was that the Sheriff's Department down there finally sent me a letter up here, and then, when I did get back down to Florida, what they did was to only fine me 75 bucks, not for the repeated, you know, alarm going on, because there was something wrong with the system. It wasn't my fault, because I wasn't even there in the house, really.

P.O. CARACAPPA:

Elie, question.

LEG. MYSTAL:

But ••

P.O. CARACAPPA:

Question.

LEG. MYSTAL:

The question •• the question is you want the law •• I'm trying to find out now, I've heard from different people here, some of you say you want to tweak, you know, and •• you know, and make it better.

MR. LANZ:

No, I think that we have to write it.

LEG. MYSTAL:

Some of you are saying kill it completely, you know, just do away with it and find some ••

MR. LANZ:

There's nothing there. I mean, you really ••

LEG. MYSTAL:

Okay.

MR. LANZ:

If you look at •• if you look at Nassau County, it's 15 pages or 10 pages, something like that, what it's evolved today. This is one paragraph and it doesn't make any sense. You're dealing with a complicated issue that affects tens and tens of thousands of Suffolk residents and businesses.

P.O. CARACAPPA:

Okay.

MR. LANZ:

Voters, voters.

P.O. CARACAPPA:

Thank you. Appreciate that testimony. I have no other cards on this public hearing. Anyone else wishing to be heard?

COMMISSIONER DORMER:

If I may.

P.O. CARACAPPA:

Commissioner, absolutely. I didn't have a card filled out by you. I'm sorry about that.

COMMISSIONER DORMER:

I'm sorry.

P.O. CARACAPPA:

State your name for the record.

COMMISSIONER DORMER:

Richard Dormer, Police Commissioner. And thank you for giving me the opportunity to speak.

P.O. CARACAPPA:

Of course.

COMMISSIONER DORMER:

I'll make it as brief as possible. I do thank all the speakers that were up here before me who think or expressed that we should have an alarm law to control this out of •• out of control situation that's really eating into the resources of the Police Department.

The figures are in the proposed •• in the resolution, which are very stark. And I must say that we looked at these things very carefully, and 25% of our patrol time is eaten up with false alarms. When officers should be on something else, they're responding to false alarms. Alarm systems •• and by the way, I talked to some of the alarm companies. I happen to know some of the people that are in the business, because I worked with them in my previous life, and they agree that we need an alarm law, and that people

do not keep the systems up.

I should say that the only way we're going to make this thing work is if we put some teeth into it. There has to be sanctions, otherwise you're wasting your time. And when I spoke to the County Executive about this and I explained to him about the way the false alarms were eating into our patrol response, and also the dangers that are involved •• I heard somebody mentioned before 15, 20, 25 false alarms in a month. What do you think is in the mind of a police officer who responds to that 15th call? "Oh, there goes that alarm again," when actually it's a real alarm and now we have a disastrous event when everybody will say, "Why didn't we do something about this?"

I should point out that Nassau County and New York City, which are right next to us, have an alarm law which works fairly well. New York City works very well, because they have a nonresponse if you have •• if you violate the alarm law system. If you have too many alarms in a certain period of time, they tell you, "We're not going anymore, we just don't have the people to do it."

What we want to do with this bill is that people correct their alarm systems. And when I spoke to the people that are involved in this business, they agree with me. People are not fixing them. The police are responding, so why should they fix them?

And I think that you should give serious consideration to this bill, because it's needed in Suffolk County. With the limited resources that we have and the efficiencies that we're trying to generate in the Police Department, it's important that we get some action on this. And I would ask that you give it careful review. Just don't throw it out just because it came from the County Executive. I think it's needed. I think it's needed. While I would suggest not by the Legislators, by the way, that maybe it wasn't a good bill because it was the County Executive. I should say that if it's good, it doesn't matter where it comes from, we should look at this and give it careful consideration.

P.O. CARACAPPA:

Commissioner, there is questions. Legislator Carpenter is first.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Then Alden, then Lindsay, then Mystal.

D.P.O. CARPENTER:

I'll agree with you, the "if it's good", but I think I have to disagree, because you characterized the fact that all of the speakers that came up said we needed a law. Didn't you say that?

COMMISSIONER DORMER:

I'm sorry, would you repeat the question?

D.P.O. CARPENTER:

You had stated that all of the speakers that came forward said that we need an alarm law.

COMMISSIONER DORMER:

Most of them did.

D.P.O. CARPENTER:

Oh, okay, because ••

COMMISSIONER DORMER:

The way I •• when I listened to them, they said that we should have some kind of system in place to take care of this problem. They recognize, by the way, the professions that are in this business who understand what's going on, know that we should have some regulations in Suffolk County, call it a law, that would require people to repair these systems that are eating into our resources and causing a dangerous situation for our police officers, and, by the way, for our homeowners, too, because when there's a real one, if the officer is not responding with that mind set, it's a disaster. You have a situation that can turn very bad very quickly.

D.P.O. CARPENTER:

Okay. Having said all of that, what would you say to the gentleman who came forward and said that a false alarm isn't necessarily a false alarm if a burglar was there, opened the door and then left because the alarm went off. How do you characterize that as a false alarm, because the alarm is working then.

COMMISSIONER DORMER:

Yeah, that's his ••

D.P.O. CARPENTER:

And doing it's job.

COMMISSIONER DORMER:

That's his contention, that's not my contention, and I'm the one that deals with the police response and looking at the reports and the statistics.

D.P.O. CARPENTER:

Uh•huh.

COMMISSIONER DORMER:

And I can ••

D.P.O. CARPENTER:

Yeah, okay.

COMMISSIONER DORMER:

Well, I just said that I don't agree with that.

D.P.O. CARPENTER:

Okay. Well, I thought he ••

COMMISSIONER DORMER:

And I should say, by the way, that I don't police in New York City, so I can't really control what they do in there.

D.P.O. CARPENTER:

Okay. You also stated that 25% of all calls for police service are false

alarms.

COMMISSIONER DORMER:

An average of 25. It is 32% in the Fourth Precinct where this building is located. It's next highest Precinct is the Second Precinct in Huntington.

D.P.O. CARPENTER:

Okay. I for one would like to see those statistics and how you arrived at them, because there has been some question about some statistics that have been shared of late, that, in fact, there were some missing statistics, but we'll save that for another time.

I'm really delighted that you came down, though. I think that really says a lot, that you came down yourself and you didn't send someone, you know, just to sit and listen from your office, but that you took the time to come down here yourself. And I think that what I heard from the speakers was that there was a willingness on their part to work with the Police Department, the professionals that are in the field doing this every single day, to work with the department. And are you willing to bring them in to the process and perhaps rework this law, because it was, obvious, I think you'll have to agree from anything that was stated, that in its present form, that this is not something that they, the professionals, could endorse.

COMMISSIONER DORMER:

By the way, we have sat down with the alarm companies. We have had meetings with them, so I should put that on the record, that we've done that.

D.P.O. CARPENTER:

Yeah. Well, I had asked one of the speakers about that. You had, unfortunately, stepped out of the auditorium when I did ask him that question, and he said that post 9/11 there was some communication with the department, but certainly not since.

COMMISSIONER DORMER:

Well, I beg to disagree.

LEG. CARPENTER:

Okay.

COMMISSIONER DORMER:

Lieutenant Silver ••

D.P.O. CARPENTER:

Well, I can only ••

COMMISSIONER DORMER:

Lieutenant Silver in the Patrol Office met with people from ••

D.P.O. CARPENTER:

Did he meet with the industry that seems to ••

COMMISSIONER DORMER:

You know, I'm not sure of what ••

D.P.O. CARPENTER:

Okay.

COMMISSIONER DORMER:

What the individuals were.

D.P.O. CARPENTER:

Because, probably, that might be, you know, a more effective way of approaching it; would you agree?

COMMISSIONER DORMER:

To sit down with the alarm companies?

D.P.O. CARPENTER:

With •• you know, with the association that represents them all, and not just a select few here or there.

COMMISSIONER DORMER:

Well, I'll certainly consider that. But I've got to tell you, in all honesty, when

we initiated •• when I came on board, by the way, when I came back in, after being out 11 years, and I found out that the alarm problem, okay, was worse than when I left, it hadn't improved, and then I made inquiry in the Department as to why, why were the false alarms reached such a high rate, eating up that much resources, and they told me it's because there was no alarm law with no teeth in it, because, remember, the first alarm law that was passed in this County had fines in it, just like in Florida. But this body, I'm not saying anybody that was •• is here right now was here at that time, took the teeth out of the law by removing the fine structure and it collapsed. We knew that.

The alarm company, professionals that I talked to privately, have stated that the only way people will comply with this law is if they're required to do so, if there's a sanction, so that's good, because the bottom line here is that we want people to fix the alarms, so that we're not responding to false alarms, so that he we can do other police business and not endanger our people. That's the bottom line as far as I'm concerned as a Police Commissioner. Since we, 20 days ago, initiated notifying people that if you don't fix your systems, we won't respond, which has nothing to do with this bill, we've had a 17.7 decrease in false alarms.

D.P.O. CARPENTER:

Excuse me.

COMMISSIONER DORMER:

Now, I know you probably want to see the statistic on that and I will bring it in.

D.P.O. CARPENTER:

No, but I do want to ask you a question. Twenty days ago, the Department issued a policy?

COMMISSIONER DORMER:

When they gave them the final notice, yeah.

D.P.O. CARPENTER:

And told these people that you were not going to respond?

COMMISSIONER DORMER:

Yes. If you don't fix your alarm, we're not going to respond.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Do you have a crystal ball that shows you which is a false alarm and which isn't? And I don't mean that really to be a smart guy, but that's a disturbing statement you made.

The other thing I'm going to say, too, is I pray to God that there aren't real ones between twelve midnight and eight o'clock in the morning, because •• especially in Huntington, but in my •• I understand the Third Precinct's next for that little experiment.

But you stated a whole bunch of statistics. Who in your department can I talk to to •• I'd like to actually evaluate those statistics myself, and who can coordinate that with my office? Who should I talk to?

COMMISSIONER DORMER:

Which statistics?

LEG. ALDEN:

The ones you were citing just a few minutes ago, number one, that 25% of all police calls are false alarms. And I'd like to •• because I want to find out what the total number of police calls are. And I understand that there's like some procedures that were put in that, when you don't write paper, there's a number given to that, like a 1060, or there's codes, something along those lines. But I want to actually see, you know, like how that's actually handled, how it's reported, who it's reported to, if it goes through, you know, Headquarters, or if it goes through Precinct Commanders. So, who could I coordinate getting those numbers from?

COMMISSIONER DORMER:

Well, if you send me a letter detailing exactly what you want, and then I'll respond to it.

LEG. ALDEN:

Are you kidding me?

COMMISSIONER DORMER:

No, I'm very serious.

LEG. ALDEN:

No. Are you •• that's a response that you're giving me?

COMMISSIONER DORMER:

Yeah. You asked me a question and I answered it.

LEG. ALDEN:

You got it, okay. And you've got problems then, because, Commissioner, I'm going to remind you that it wasn't a long time ago that I sent you a letter requesting a whole bunch of information, especially in light of the testimony when you came down here, when you were being confirmed, and you made certain promises about how you were going to do patrol, and how COPE was your top priority, and now I find out that you're raiding the COPE Units to supplement the sector cars, and now you're even tying up sector cars where it wasn't authorized, in contradiction to some of your testimony. I sent you a letter asking for detailed information on that, It's past the Davis Law requirement and you still haven't responded.

COMMISSIONER DORMER:

Was that a question or a statement?

LEG. ALDEN:

No, that's a statement.

COMMISSIONER DORMER:

Okay.

LEG. ALDEN:

The same as your statement was to me, put it in writing.

P.O. CARACAPPA:

We'll keep the debate ••

LEG. ALDEN:

You'll find out there's going to be more writing.

P.O. CARACAPPA:

Let's keep •• let's keep the debate focused on the bill. Legislator Lindsay, then O'Leary.

LEG. LINDSAY:

How are you doing Commissioner? Over here.

COMMISSIONER DORMER:

Okay. Hi, Legislator Lindsay. In the bill, it states the statistic of 153,000 false alarms. Is that all false alarms, residential and commercial?

COMMISSIONER DORMER:

Yes, that's correct.

LEG. LINDSAY:

Okay. But this bill only addresses the commercial false alarms?

COMMISSIONER DORMER:

That's correct.

LEG. LINDSAY:

Is that correct?

COMMISSIONER DORMER:

We specifically left it out.

LEG. LINDSAY:

Do you know what the breakdown is between residential and commercial?

COMMISSIONER DORMER:

No, I don't know the breakdown at this point.

LEG. LINDSAY:

Okay. And are you familiar with the Nassau regulation?

COMMISSIONER DORMER:

No, I haven't read their regulation, all I know is their fine structure, which I have in front of me.

LEG. LINDSAY:

Okay. Does their fine structure match ours, or is it less than ours?

COMMISSIONER DORMER:

I think it's less than ours ••

LEG. LINDSAY:

Okay.

COMMISSIONER DORMER:

•• from my reading of it.

LEG. LINDSAY:

You know, just at first blush, looking at this bill, because I really haven't studied the issue in depth yet, but it appears that we do need something to correct this problem. But the question I think that was asked from the audience a couple of times is they find the penalty phase here too severe, and that's why I would be interested. I know a couple of the speakers mentioned that Nassau has a regulation that seems to work well, whether •• you know, maybe we should start off modeling it after them. The one thing that struck me is that if you have four false alarms, it becomes a misdemeanor in a year? That really seems severe if you have a faulty system, you know. It's just an off•the•cuff comment on ••

COMMISSIONER DORMER:

Yeah, I understand that. And, you know, I should say that if you have an alarm system in your house and you have valuables, and your family is what you want to protect, you make sure that that system is working. That's all I can say. You know, having a system that doesn't work when it's a safety issue doesn't make sense to me, but that's •• people make that decision personally themselves. And I can tell you, with every regulation that we have, not just in the alarm business, if you don't have sanctions, you're not going to get compliance.

LEG. LINDSAY:

I don't think I disagree with you on that point, and I don't think most of the industry disagrees with you. I'm sure those guys out there that install and repair and maintain the systems would •• are certainly in favor of keeping the system maintained properly. My •• I think probably the biggest criticisms of the bill is the penalty is too severe. And, you know, from serving on Consumer Affairs for many years, just what we've learned there is that when our fine structure is too severe, people challenge it every time they get fined, and it becomes bogged down in the legalese type of bureaucracy, and it's an observation about the bill.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Good afternoon, Commissioner.

COMMISSIONER DORMER:

Good afternoon.

LEG. O'LEARY:

The thing that was brought to my attention after reading the bill was the projected time and savings that's supposed to be generated as a result of not responding to false alarms. So, one of the concerns I have, there is going to be an alarm system in effect throughout the County and officers will be responding to alarms. Some of them may be deemed to be false. And

what this proposal does is direct the officer to submit what's called a notice of false alarm notification, in other words, a sticker, sticker on the window or something, which then the person who has the alarm has to either pay the fine or ask for a hearing; correct?

COMMISSIONER DORMER:

Yes.

LEG. O'LEARY:

This is what's troubling to me about this particular bill. I would have to assume that a lot of people are going to be appealing, they're going to be having the hearing, and the officer who actually issued the false notification alarm is going to be subpoenaed or called to the hearing itself to testify that, in fact, there was a false alarm; correct?

COMMISSIONER DORMER:

Well, an administrative hearing, the hearing officer can accept official reports rather than have the actual officer there. That's my understanding in administrative hearings.

LEG. O'LEARY:

Well, if this is ••

COMMISSIONER DORMER:

That's up to the •• that's up to the administrative officer, so I can't tell what will happen with that.

LEG. O'LEARY:

Well, I've had discussions with the administrative officer as per the resolution, which would be the Director of Consumer Affairs, and he pretty much indicated this is unenforceable without having the officer present to verify that, in fact, it was a false alarm. So, now we're talking about a situation where you may be taking the officer off the street who was on duty to testify as to this alleged false alarm, and, more importantly, if he's not on duty, to be coming in on overtime.

COMMISSIONER DORMER:

Well, I would like at it another way. I would think that it would make the person repair the system, because they knew their system wasn't working.

LEG. O'LEARY:

But that's not the point, sir. What I'm trying ••

COMMISSIONER DORMER:

Well ••

LEG. O'LEARY:

•• to say is, if the individual does not repair the system and the false alarm notification is issued by the officer and that person requests a hearing, that officer is going to have to appear for purposes of verifying that, in fact, it was a false alarm. And if there's an attempt on your part to get more patrol time on the street, in effect, this might very well take the patrol officers off the street for the administrative hearings that you're eluding to.

COMMISSIONER DORMER:

Well, I don't think it's going to be all the hours, the 2,000 hours that we're talking about here that will be involved in hearings, if at all, if at all. I can't look ••

LEG. O'LEARY:

All right. Let me just ask you this, then.

COMMISSIONER DORMER:

I can't look into the future. All I have to •• all I can say is that that shouldn't deter us from doing something about the false alarm problem in Suffolk County. If we don't do it now, when are we going to do it?

LEG. O'LEARY:

You know, this is ••

COMMISSIONER DORMER:

That's a question.

LEG. O'LEARY:

This is what's troubling me. I mean, the numbers and the statistics that you give for the Year 2003, 157,000 false alarms, even if this bad law, I might add, passes, there's still going to be false alarms; is there not?

COMMISSIONER DORMER:

Oh, I think they'll go down substantially.

LEG. O'LEARY:

All right. How much do you think they'll go down?

COMMISSIONER DORMER:

Well, I can't tell you that, but I do know, since we start the initiative on the alarm, which we've done within the department by notifying the most egregious violators, the alarms, false alarms have gone down 17.7%.

LEG. O'LEARY:

All right. Let's even go higher than that, let's even say 50%, and you're talking about 80,000, 90,000 false alarms.

(Cell Phone Rang)

That's not mine.

LEG. VILORIA • FISHER:

I'm sorry.

LEG. O'LEARY:

Is my time up?

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Let's just cut it in half, Commissioner, let's just say 80, 90,000 false alarms, and let's just say half of that is appealed by the public who's issued a false notification alarm. You're talking about 45, 50,000, thereabouts, hearings where the officer's going to have to respond for purposes of the

administrative hearing. And you're saying he does not have to respond.

COMMISSIONER DORMER:

That's very •• look, I don't know. You know, you can bring up all sorts of scenarios about officers coming into the hearings and we should be able to deal with that when it happens. I would let it •• I think that we need the law. I would let it go and then we'll decide what to do when that •• when the hearing officer determines what they want. I don't know how many hearings we're going to have. I have a sense that it's going to be a lot less than what you're saying. I don't think we're going to have anywhere in the 50,000.

LEG. O'LEARY:

Even •• all right. Even if it's 10% of that and it's 5,000, I mean, you know, this is a bad proposal that needs a lot of tweaking, if not total elimination. I would suggest very strongly that yourself and whomever crafted this particular bill sit down with the authorities in the false •• in the alarm business and maybe come up with something that's a little bit more workable. But, certainly, this isn't going to save •• in my opinion, is not going to save one iota when it comes to what your apparent goal is, is to put more patrol officers on the street doing patrol time. It may very well have just the opposite effect.

P.O. CARACAPPA:

Okay. Anyone else? Commissioner, my question to you would be, just wrapping this up, you've heard concerns from the public, you've heard concerns from Legislators. Obviously, in an effort to get a better bill, we had asked for some changes. Would you be willing to make at least some changes, or is this the bill and this is the way it's going to be, so that we know which direction we're heading here.

COMMISSIONER DORMER:

Well, I'll take your concerns back to the County Executive.

P.O. CARACAPPA:

It's a start. All right. Anyone else?

COMMISSIONER DORMER:

Okay. Thank you.

P.O. CARACAPPA:

Okay. You've been heard, sir.

AUDIENCE MEMBER:

No comment from the floor?

P.O. CARACAPPA:

No, that's it. Okay. There's a motion to close by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Okay. 1003 is closed.

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

P.O. CARACAPPA:

Moving on to Public Hearing regarding **1009, a Local Law to create a Division of Cancer Awareness within the Suffolk County Department of Health Services**. I have no cards. Anyone wishing to be heard?

LEG. CARACCILOLO:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Caracciolo, seconded by myself. All those in favor? Opposed? Abstentions? Public hearing 1009 is **CLOSED**.

Public Hearing **1021, a Local Law to prohibit the sale and purchase of marijuana flavored candy in Suffolk County**.

LEG. O'LEARY:

Explanation.

P.O. CARACAPPA:

I have no cards. Anyone wishing to be heard? Motion to close by Legislator Losquadro, seconded by Legislator O'Leary. All those in favor? Opposed?

Abstentions? That public hearing is **closed**.

IR 1025, a Local Law extending property tax exemption to volunteer firefighters and ambulance workers who reside in cooperative apartments. I have no cards. Anyone wishing to be heard? Motion to close by Legislator Carpenter, seconded by myself. All those in favor? Opposed? Abstentions? **CLOSED.**

Public hearing regarding **1037, a Local Law to require the installation of carbon monoxide detectors in connection with heating system conversions.** I have no cards. Anyone wishing to be heard?

LEG. MYSTAL:

Motion to close.

P.O. CARACAPPA:

Motion by Legislator Mystal, seconded by Legislator Caracciolo. All in favor?

LEG. CARACCIOLO:

Hold it. Yes. Joe, it's being amend.

P.O. CARACAPPA:

You can still close it.

LEG. CARACCIOLO:

Close it.

P.O. CARACAPPA:

Motion to close and a second. All those in favor? Opposed? Abstentions? **CLOSED.**

IR 1040, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner.

P.O. CARACAPPA:

Chris O'Connor.

MR. O'CONNOR:

Hello once again. I have my good government hat on right now from the Neighborhood Network. I signed up for both hearings, so my comments will contain elements of both within both if I run over and it goes into next hearing. First, a little background. The Neighborhood Network for a long time has been an advocate for good accountable responsible government throughout Nassau and Suffolk County.

In Nassau County, we served on the Nassau County Charter Commission and •• where we worked to redraw •• or actually implement the new lines that were within the new County Legislature there. That was a commission that was put together by then County Executive Gulotta in which we came together and discussed how the lines would be drawn and to try to make them fair. It was process in which citizens had involvement, professionals, planners and the political community. Myself, personally, as many of you know, has been long a fighter for council districts throughout Long Island, am in another fight in Islip, which is making me go more gray and losing more hair, but we're continuing on there too. Now, both of these bills, the one introduced by the County Legislator and also the ••

LEG. MYSTAL:

County Executive.

MR. O'CONNOR:

The County Executive, yes. It's been long day, I flew in from Florida?

LEG. MYSTAL:

Why?

MR. O'CONNOR:

That's my question too right now. However, both these bills are trying to address a problem, because if we recall a few years ago when we had this whole reapportionment done, there were problems. And the public, from my point of view, perceives that there is something wrong here.

Now, these bills are beginning to address the problem. Rick's bill wants to bring about a certain amount of fairness in cutting the lines. And if you guys

don't do your job, it goes to special master. The County Legislator bill wants to bring in •• the County Exec's bill wants to bring in also a number of people from the different communities around Long Island. One thing I think is very important in any of these bills that have to be considered is that you have to have the involvement of the communities and of the civic and of the business communities in helping redraw these lines. At least have their input. Now, I know it's very difficult and I'm not naive, and I've been down this road, you know, in towns and other areas where it's very hard for any political body to want to give up any type of power, because nobody, you know, likes to do that.

LEG. BISHOP:

That's a pretty accurate statement.

MR. O'CONNOR:

I know. And, you know, from Islip to Huntington to Babylon to Oyster Bay, nobody wants to do that and certainly in the Counties. But the public does become more and more each year cynical and disenfranchised with their Legislators, with their form of government sometimes. And really local government should be the closest to the people. And the more we involve the citizens of this County, the better off we will be. And, you know, I'll conclude, you know, later unless there's some questions.

P.O. CARACAPPA:

Are you going to speak again, because I let you run quite over to try to sum up both hearings?

MR. O'CONNOR:

Well, I have a couple of minutes, but.

P.O. CARACAPPA:

Okay. You can come back. Come on back. Okay. I have no other cards on 1040.

LEG. MYSTAL:

Presiding Officer, is it possible if there are people who wish to speak on the other bill, instead of skipping over it, bring them all at the same time. We

can do all of them at once.

P.O. CARACAPPA:

It's next •• oh, no it's not next. There's ••

LEG. MYSTAL:

You have to go in order?

P.O. CARACAPPA:

The quicker we get to it •• we have the tanning bill coming up, where we have several speakers between. Motion by Legislator Montano to close, seconded by myself. All in favor? Opposed? Abstentions? 1040 is **closed**.

Moving onto **1065, a Local Law to regulate the use of tanning facilities in Suffolk County**. I have several cards. The first speaker is Colette Coyne.

MS. COYNE:

Thank you for the opportunity to speak to you. I am Director of the Melanoma Awareness campaign here on Long Island and also a member of the Academy of Dermatology's National Coalition for Sun Safety. Few realize that one in five will get skin cancer in their lifetime. US Department of Health and Human Services National Toxicology Program states that solar radiation and exposure to sun beds and sun lamps are known to be human carcinogens. Melanoma has become the primary cancer among young women 25 to 29, and for young women ages 15 to 29, the rates of melanoma have increased more than 60% since the mid '70s. Decades ago, melanoma was diagnosed at one in 1500, the rate has jumped with 1 in 67 with an anticipated rate of 1 in 50 by year 2010.

According to Dr. James Spencer, Vice•Chairman of Dermatology at Mount Sinai School of Medicine, just as the unprotected rays of sun increases one's risk, so too does the use tanning beds. He quotes from a current study, women who reported using artificial tanning systems once or more per month age 20 to 29 increase their risk of melanoma by 150%. He also links it to basal and squamous cell carcinoma. Dr. Spencer says that whether you get ultraviolet light from the beach or a tanning bed, you are increasing your

risk. Any tan causes skin damage, lowers the immune system and damages the DNA. Thirty minutes of exposure to UV rays in a tanning bed is equivalent to the amount of UV exposure obtained at a day at the beach and bombards the skin with an intense dosage of UV A two to three times as strong as outdoor light.

I am very happy with the bill. I am delighted that it will require parents to sign permission each time a child wants to use a tanning parlor because there is a great need for education of not only our children, but our parents. Often, I speak in schools and children say to me, but how do I get my mom to stop using a tanning parlor? So if the mom has to sign every time the child wants to use the tanning parlor, she'll eventually get the message also that she's risking deadly melanoma.

I know of a young woman who told me that she used a tanning parlor from the time she was 17, she was not a smoker, because she new that it would lead to lung cancer. She said, "Colette, if I had a clue that using the tanning parlor, using a tanning bed, would have given me skin cancer, melanoma," she said, "I never would have used it." Thank you very much for your bill.

P.O. CARACAPPA:

I have a quick question for the sponsor or speaker. Tanning beds are sold as easy •• they're like as popular as hot tubs now, and they're in the homes. Does this bill deal with private residential homes or just commercial establishments?

LEG. VILORIA•FISHER:

No. Only commercial establishments, yes. Where people are going to tanning salons. Usually if it's in someone's home, the parents have given the permission to the kid to use it in the home. We are trying to have an educational piece ••

P.O. CARACAPPA:

Well, a friend comes over to friend house and uses their •• which I know on several •• they have friends, they have kinds, they have tanning parties, they come over and they all tan all day. So it's facility •• strictly commercial?

LEG. VILORIA • FISHER:

Yeah.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

It's crazy.

P.O. CARACAPPA:

It is crazy, but that's what they do. Okay. Thank you. Next speaker is Will Stoner.

LEG. VILORIA • FISHER:

Thank you, Ms. Coyne.

MR. STONER:

Good afternoon, everyone. Will Stoner, American Cancer Society, Regional Advocacy Director. The American Cancer Society supports 1065. And once again, I'm before you talking about yet again another preventable cause of death. Over one million cases of basal cell and squamous cell carcinoma will be diagnosed this year, so as always the American Cancer Society, when they formulate their position on a Legislative proposal, they use science.

The science is as such. Published in the Journal of the National Cancer Institute, 2002, it was found that the younger individuals were when they began using the tanning facilities, the more likely they were to develop basal cell and squamous cell carcinoma, 2.5 times more likely for squamous cell and 1.5 times more for basal cell. That's not a small increase, that's a significant increase. And that's why the American Cancer Society is supporting Legislator Fisher's proposal to do this. And as Suffolk County has done in the past, and I hope will continue to do in the future, they have been the leading county, not only in the state, but pretty much in the nation when it comes to fighting cancer. This is another way to do that.

So I say, with all due respect to the sponsor and to those that may say

maybe it regulates them too much by having them have parents sign each and every time they come, I would say, I think there should be parental supervision. They are minors, we're talking from 14 to 18 year olds. So what does that solve as a problem? Well, it solves two things. You can't fake a parental signature, because the parent has to be present. And number two, the parent is then aware that each and every time that their child goes to get a tan at a facility, they have to be present. So they're going to know exactly how many times they're frequenting these establishments. With all due respect to the sponsor, because I think the way it's written, we do support it, but for those of you who think it's too restrictive, I say we can always •• we can •• we can always do more.

And I think most of you know me well enough to know that our position •• my position in the American Cancer Society is one that is based in science, but also is not overly burdensome on businesses. We feel when it's for the public good, and I speak for the public good, it's the right thing to do, as in the past and moving forward in the future. Thank you.

P.O. CARACAPPA:

Thank you Mr. Stoner. Tim Nolan.

LEG. VILORIA•FISHER:

I have a question.

P.O. CARACAPPA:

I'm sorry. Question. My apologies. Legislator Vilorina•Fisher, then Legislator Caracciolo.

LEG. VILORIA•FISHER:

Mr. Stoner, is there legislation where parental supervision is required where parents need to stay and supervise?

MR. STONER:

In New York State, I believe they're looking at a proposal similar to this, and as always, like I said, Suffolk County is cutting edge. There are four other states that have very restrictive procedures for tanning facilities. Off the top of my head, I wouldn't be able to answer, but I will •• I have had some

computer problems •• not that any of you care about that •• but as soon as I have my documents again, I will share those documents with all of you on the four other states that have very restrictive and successful processes for allowing youth to access facilities.

LEG. VILORIA • FISHER:

And the parents have to supervise each time?

MR. STONER:

I would have to double check.

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, if you allow some indulgence here, I'd just like to get an opinion from Mr. Stoner on IR 1928, that's Mr. Tonna's resolution that would establish smoke free school bus stops. Have you looked at that? Have you taken a position?

MR. STONER:

We have not taken a position on that.

LEG. CARACCIOLO:

Will you be taking a position?

MR. STONER:

No, we will not.

LEG. CARACCIOLO:

Because?

MR. STONER:

The American Cancer Society currently does not work to regulate smoking in

outdoor areas, because we are a cancer organization, and there's no scientific evidence as of yet that shows that outdoor secondhand smoke causes cancer. But there are some other organizations that may be interested in this type of legislation. But as of right now, there is no causal link between outdoor secondhand smoke and cancer. Years from now, who knows? But right now, at this point, there isn't science, so we're not taking a position on that based on a scientific point of view.

LEG. CARACCILOLO:

How about the children ••

P.O. CARACAPPA:

Legislator Caracciolo, this would be a point of personal privilege.

LEG. CARACCILOLO:

Thank you. What about children that are in enclosed motor vehicles?

MR. STONER:

That's been brought up numerous times. We don't support that legislative proposal. And as I've stated in the past, and I'm on the record several times as stating that there are several efforts underway on the national, state and local level to educate parents about smoking in their cars and their homes and its impact on our children. And we feel that the education process is working well enough that the last thing we want to do is take away from the resources going into the education of the parents and put it into legislation that may or may not work.

LEG. CARACCILOLO:

That brings me full cycle back to the resolution before us.

MR. STONER:

Perfect.

LEG. CARACCILOLO:

Okay. And that if you're trying to educate parents about the dangers of secondhand smoke, or in this case, exposure to tanning salons, and I

support this resolution, it would seem that a logical connection with the automobile resolution that Mr. Binder sponsored that why can't you just do it by education?

MR. STONER:

I can't hear. There's a lot of conversation going on.

LEG. CARACCILOLO:

Okay. On one hand, the American Cancer Society promotes educating parents about the danger of secondhand smoke in the home and in their automobiles. You want to do that through an education campaign, you don't want legislation prohibiting or banning on intruding on, you know, individual rights.

MR. STONER:

That's correct.

LEG. CARACCILOLO:

Okay. In this case, why couldn't we do the same thing?

MR. STONER:

You can. There are efforts underway to educate parents about the sun's effects and tanning affects on youth and adults. Our program •• we have a program, we call it Slip Slop Slap Rap. So there are efforts underway in that accord. But when there's a Legislative proposal that shows that restricting youth access will have a casual effect, then there's Legislative precedent, if you will, and we feel that why not put on top of that. When it comes to the Legislative proposal for banning smoking in cars, there is no proof that this is an effective means to reduce parental smoking around their youth.

LEG. CARACCILOLO:

But there seems to be a contradiction. In other words, we ban it in public places, like this building.

MR. STONER:

That's correct.

LEG. CARACCILOLO:

We ban it in restaurants. The state now has a law to that affect, and that's all to enhance the safety of not just children, but others in those public environments. It just seems logical that an automobile or the home would be just an extension of that same logic.

MR. STONER:

I mean, I guess some of the it has to do with the enforcement mechanism.

LEG. CARACCILOLO:

That's a different issue, and I can appreciate that. Okay. Thank you.

P.O. CARACAPPA:

Legislator Binder, you're going to talk about tanning?

MR. STONER:

Have we come full circle. Am I in the twilight zone once again? Are we two years •• was this from two years ago?

LEG. BINDER:

As long as we are doing a lot of slip slop talking, I mean, I thought I might as well, might as well bring that up.

P.O. CARACAPPA:

Let's trying to keep it to tanning.

LEG. BINDER:

I'll try to, but I think •• I think Legislator Caracciolo brings up interesting questions. So you are saying now that we have statistical analysis to show us that tanning legislation will be effective?

MR. STONER:

To my knowledge, yes.

LEG. BINDER:

Who was the first to pass this in the country, do you know?

MR. STONER:

Not off hand.

LEG. BINDER:

Was the Cancer Society there supporting that legislation with that first passage, or did you not take a position, not sure because you weren't about •• how much you want to bet, I'm willing to put •• I would put money on the line.

MR. STONER:

You would?

LEG. BINDER:

Yeah. That you •• not you, but the Cancer Society probably did support. And in fact, I would bet also you were there for the first legislation to ban smoking in restaurants or all these smoking laws. So I think it's •• I just think it's very questionable where you pick and choose to be on and where you don't. When you say that you would take •• you know, you want to take •• you don't want to take resources from one thing and put them into another, those are not resources, this legislation. It's not talking resources and protecting children in cars. I mean, that's ridiculous. And now we're talking about tanning, and you say maybe it's the enforceability. Tell me about the enforceability of this. Tell me about the enforceability. How do you see the enforceability of the tanning •• do you think the County is going to be able to strictly enforce this? Give me an idea, what do you think?

MR. STONER:

Sure. I mean, there are spot checks that can be done. I'm sure the County has to enforce the cleanliness of the facility already. There are other provisions within the current law that they should be doing. If there not •• I'm not an expert on it, but let me answer the question with a question. Do you still support the legislative proposal to ban smoking in cars with kids?

LEG. BINDER:

Well, I think it's a great idea to do that.

MR. STONER:

Even though in Suffolk Life you stated that you did that as a hoax to see ••

LEG. BINDER:

No, no. Not as a hoax. I didn't say that. No. Wait a minute. Now it's a point of personal privilege, Mr. Presiding Officer.

MR. STONER:

You did it test to see how far this Legislative body would go.

LEG. BINDER:

I will tell you what I said. I didn't say it was a hoax. What I said was I was basically seeing if people were going to be also protecting children as they were protecting waiters and waitresses. We supposedly were •• we were protecting •• they weren't coming out, no one came here to protect. We were protecting them without them being asked to be protected. I went around and asked waiters and waitresses, do you want to be protected, there was no question to them. No. They didn't want the protection. You instituted yourself into the system to say you wanted to protect them. Now what I was saying, there's a difference. A child can't protect themselves. A full adult waiter or waitress could. I didn't say it was a hoax. What I was trying to show was the difference. There are Legislators here who would vote to protect somebody who is an adult who could choose not to be in a smoke filled room, and they wouldn't protect a child who is sitting in a car seat. That's what I said, not a hoax.

So let me tell you something. The only hypocritical people out there are you. That's what the problem with the Cancer Society is, because what you're concerned about is you don't want to be on wrong side of what might be a political issue that might not cut your way, and that's what that was about. Because don't tell me you're out there protecting people on science. The science, as Legislator Caracciolo said, is that children are very affected in a car, in a public place, where the Supreme Court said is a public place in a car. So you are wrong on that.

P.O. CARACAPPA:

Okay. Legislator Binder, thank you. There was a point and a counter point, so. Anything else on tanning?

MR. STONER:

That was on tanning?

P.O. CARACAPPA:

Next speaker is Tim Nolan. We could do without the sarcasm, Mr. Stoner. It's appreciated.

MR. NOLAN:

Good afternoon. My name is Tim Nolan. I'm the owner of the Palm Beach Tanning Salon in Commack. I want to thank you for giving me the opportunity to be heard on this. And I want to point out that I employ 19 people in my tanning salon. I'm also •• I'm sorry. I'm also the parent of three children, a 16 year old, a 13 year old and an 11 year old. I applaud the intention of the previous speakers. I recognize their sincerity as it relates to their feelings about the issue.

I am concerned about the way the science is presented in this case. The analogy of 30 minutes of tanning is a day, I don't have a bed that goes beyond 15 minutes. I won't put anybody in for four minutes when they come into a salon. So it's very misleading. I also have spent four years before I recently invested in this business studying this very issue to make sure that I was getting into something that I felt responsible about. And in fact, the vast majority of the research has been done on people exposed to the UV light with heavy exposures, including burns as young children.

The tanning beds that we operate with haven't been in existence not long enough to really do this type of research. So I would like to think that, you know, if we base it on science, that at least this group take a look at real science. The first state, I believe, to take on this type of legislation was, in fact, Texas. It's •• I applaud the effort of the Texas Legislature. I think you should look at what they have done. It's along the lines of what's been proposed here, but I think there are some areas where they do differ, and I think before you do anything, please take a look at it. If you don't have a copy, I'll be happy to get one. I apologize, I didn't bring it with me. It's not as restrictive as what's being proposed, and let me just point a couple of things I see as different.

One thing is the intention of having the parent have to sit in the lobby every time someone tans has one purpose, and that's to put us out of business, because no parent is going to sit in that lobby every time somebody wants to go and tan. So don't kid ourselves. This isn't about permission. You can't tan in the middle of winter time and show up at home and your parent not know it. You can sneak out with your boyfriend, you might be able to go drink somewhere, there's a lot of stuff you can get away with, but you can't tan, it's not one of them. Your parents know it if you are tanning. I think that requirement goes beyond anything I'm aware of anywhere.

I have no objection to restriction of middle school aged children. You start talking about 13 year olds, I have those children, I understood that. But when you get to high school, you're talking about a different program. I don't have a problem with parental permission. I think that's responsible business. I'd love to have those parents sign a form. But to have the parents have to sit in there every time somebody tans, I don't •• I'm not aware of any legislation that I've seen that requires them to sit at the pool, whether public or private, anywhere in Suffolk County every time a teenager wants to go sit by the pool all day long with baby oil on or any anybody that requires them to go down to the beach and sit next to them at the beach all day long. So all I'm asking •• I think the resolution is intended well, prior speakers, very well intended. I think I would support a resolution if, in fact, it was modified to address some of those issues.

P.O. CARACAPPA:

Legislator Vilorio•Fisher has a question.

LEG. VILORIA•FISHER:

Thank you for coming down. It's important to have someone who does say operate a facility and can give us that perspective. In the prohibitions, the intention here is that the parent not have to sit in the waiting room, but rather accompany the child entering the facility. And we will clarify that language, because the intention is not for the parent to have to stay to supervise, in fact, that was what Mr. Stoner had mentioned earlier, that there are other municipalities that are looking at that supervisory situation with parents having to stay. This is with parents signing the kid in each

time, not staying at the facility.

MR. NOLAN:

And the problem with that is they're not •• it's a very short period. I mean, if you go in and you're going to be in a bed for six minutes, the parent's staying. The parent isn't going home and coming back, the parent is staying. It's not like a dance class that takes an hour and you leave and you come back.

LEG. VILORIA • FISHER:

Aren't most kids though that are 14 or 15 or even 16, the parents have to drive them to get there.

MR. NOLAN:

Exactly. I don't think the issue is with underage.

LEG. VILORIA • FISHER:

So the parents are there already.

MR. NOLAN:

I mean really where the crux of this is you're talking about juniors and seniors in high school. I mea •• 15, 16, 17 year olds that so a lot of other stuff like going to the beach and going to the pool all by themselves. They drive themselves there. That's the really issue. You know, and so I think its unrealistic to impose that, and I think it's penalizing the parents and it very much is penalizing the business owner. And it's ironic that, you know, where in a state where a girl can go have an abortion without her parent being present, but she can't get a tan.

I don't •• I don't •• I don't mean to put myself in the camp with the gentleman that did the H2O analogy ••

LEG. VILORIA • FISHER:

I don't want to be glib about it, but we're talking about something where there has been a correlation with cancer and cancer risk, and we're not prohibiting the 14 to 18 year old from going, but we do want the parent to be there. We have prohibited the sale of cigarettes up to age 19. So we're

not going to compare this with other life choices. And, you know, we can do that with many life choices. And we're not going to go there.

P.O. CARACAPPA:

Questions.

LEG. VILORIA•FISHER:

So my question to you is this. Your one concern then as you're representing it is prohibition •• the prohibition in Section Three, which eludes to parental •• the child being accompanied by a parent or legal guardian. And specifically, your objection is to ages 17 and 18, not even the full provision.

MR. NOLAN:

I would specifically •• I mean, I know I'm talking •• if you want to •• the way it's written, I would take that category A and put that there, and I would leave category •• let me address category B as long as we're talking about that, the way this is written. Despite the prior speakers, I mean, if you're talking about cigarettes smoking, you're talking about a direct link, undisputed. Within the field of cancer research, there are more opinions on how melanoma evolves and what the contributing factors are. That is still very gray. There clearly have been studies that link it to burning at young ages. But it's not as black or white as anybody would like to present it.

As it relates to Section B. There are physicians for some, and I'm not talking ••• this is not a generic thing, but for some skin conditions and for some immune systems conditions, there are physicians that will actually at times recommend the use of tanning equipment for certain individuals. I would suggest that in B if you put an exception in for physician recommendation, that that may •• I mean, if you don't do it, it's not the end of the world, but even in the Texas law they have that.

LEG. VILORIA•FISHER:

Okay. Thank you for your input. I don't want to create a debating situation. I am just listening to your responses, and really am listening to them. I'm curious as to what kind of scenario require tanning, but I'll research that and come up with •• there will be some changes in the wording, because I don't think A was clear. But I do believe that there has

to be parental permission at each visit, but that's something we can talk more about. This will be going to committee, and then it will be coming before the full Legislature again. So there will be plenty of opportunity to discuss it.

MR. NOLAN:

And I just want to thank all of you for your time. I would be happy to participate if anybody would like further input.

P.O. CARACAPPA:

Hold on. There's more questions.

MR. NOLAN:

I'm sorry.

P.O. CARACAPPA:

Legislator Cooper. Let's try to keep the responses and the questions kind of brief here, all right?

LEG. MYSTAL:

Coop, give me 30 seconds. I just want to give you your props. That was a great line. I have to give the man his props. That's the headline tomorrow for Newsday. That's a great line.

LEG. CARPENTER:

Come on, I'm trying to beat traffic.

LEG. COOPER:

When I'm not a County Legislator, I run a manufacturing company that produces ultraviolet equipment. One field that we never got into for product liability reasons was the tanning field. We don't manufacture tanning beds. We do manufacture radiometers that are used to monitor the output of tanning beds, however. And there are two wavelengths of ultraviolet that can be used for tanning; there's UV B, UV A. UV B is far more hazardous, had a far greater potential for causing adverse health events than UV A. Just my own education, do you know if most the tanning salons on Long

Island, in Suffolk County, do they use UV A, do they use UV B? And do you feel that we should attempt to differentiate between the two if we are considering some sort of legislation?

MR. NOLAN:

Collectively we have enough science here to be dangerous. I think •• you are correct. There is UV A and UV B are the two wavelengths. UV B is typically associated with burning. You know, overexpose to UV B, you'll have a burn like you get out in the sun. And I'm not •• I'm not a scientist, nor am I a physician, so I'm not going to even attempt to speak to the physical part of it. There's •• in the higher end tanning beds, they try to bring down UV B and bring up the UV A a little bit, which attributes to the tanning with less of the B. It doesn't mean I don't •• I haven't gone out and looked at other people's equipment, I just know the newer equipment, that's the direction they have done. And the science in this industry has apparently changed a lot. Tanning beds didn't exist when I was a teenager. This is all new to us. We are •• you know, none of us were exposed to this, I don't believe.

LEG. COOPER:

You are saying the beds at your facility incorporate both UV B and UV A?

MR. NOLAN:

Yes. There is •• you can't take •• UV B is essentially tanning. UV A •• both are present in outside sunlight. The mix measured, as you said, in a bed, it's time measured as opposed to, you know, when you're on a beach you're getting whatever is coming down. And some days it's more than others, and you have no control. In fact, you don't even know what you are getting, because it could be a cool day with a breeze and you won't even think you're getting overexposure and you could be. In a tanning bed, you know what you are getting.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

You mentioned about a difference between the UV A and UV B and the newer beds having the higher concentration of UV A. Just a couple of simple questions. What's the life of a tanning bed? How long does a piece of equipment last?

MR. NOLAN:

Maybe five years.

LEG. KENNEDY:

Five years. And, I mean, is it measured in hours or what have you? Five years ago, was there a higher propensity for UV B then UV A, what's the mix over the past couple of years?

MR. NOLAN:

You know, I can't speak to that. I just opened my salon after four years of research. And the equipment five or ten years ago was remarkably different from what we have today.

LEG. KENNEDY:

Is there ten year old equipment still in use?

MR. NOLAN:

Not in my salon.

LEG. KENNEDY:

No, not in your salon. I guess, unfortunately, you are here as a representative from the industry.

MR. NOLAN:

I'm not here on behalf of anybody but my business. And I do ••

LEG. KENNEDY:

Okay. You answered the question, and you don't know. Thank you.

P.O. CARACAPPA:

Thank you, sir.

LEG. COOPER:

One follow up.

P.O. CARACAPPA:

Jon. Jonathan Cooper, go ahead.

LEG. COOPER:

You probably can't address this, but now that we're getting a little more into this, another problem is that probably most operators of tanning salons don't monitor their equipment. Certainly the older equipment, I'm not sure about the newer beds, I don't know whether they have built in monitoring of intensity, but the problem is that UV output varies over time. If it's a new tube, it will be a much higher output, and the more use the life source, the lower the intensity is. So unless the operator is aware of this, depending on whether he has a new tube or an old tube in the unit, the client could be getting a much greater exposure than the operator may expect or a much lower exposure.

So, you know, perhaps that is something else should be looked at at some point if we are going to get into monitoring this industry. Perhaps there should be some requirement that we have that operators of tanning salons either use newer equipment that have built in monitoring or they invest in equipment that will allow them to monitor the output of the equipment.

MR. NOLAN:

If I could respond to that comment. The exposure levels are established as if it's a brand new bulb. And you're right, as that bulb is there a while, it losses intensity, which means that a person, you know, if you give them four minutes or six minutes, they may be getting a little less than they thought they would. You know, it's •• the operator needs to change them periodically or he's underdelivering, you know, what it's intended.

LEG. COOPER:

But the dosage is based then on the maximum.

MR. NOLAN:

On the maximum.

P.O. CARACAPPA:

Thanks a lot.

MR. NOLAN:

Thank you.

P.O. CARACAPPA:

James Oliver. I'm sorry, Legislator Bishop. I thought you were kidding. Legislator Bishop.

LEG. BISHOP:

I have very elementary questions. Is this industry currently regulated?

MR. NOLAN:

Yes. There are federal regulations, and there's •• there is some state legislation, but they haven't issued guidelines which begs back to the essence of this. I have no problem with some form of guidelines so there's some uniformity. I mean, the fact that I want to run my business responsibly, doesn't mean that everybody does. But I do think that trying to make a parent go stand in your salon every time they're tanning is penal, especially if you're not prepared to make them go to the pool or to the beach.

LEG. BISHOP:

Because do you have an umbrella organization for tanning salons on Long Island?

MR. NOLAN:

There are umbrella •• there are other organizations that are not representing here. There's a national organizations called the ITA. And, in fact, the industry does quite a bit in education. They put together a smart tan training process that we put every single employee through. And my kids know more about skin care in general and health than any of their peers.

[RETURN OF STENOGRAPHER • LUCIA BRAATEN]

LEG. BISHOP:

Personally, I know of several young ladies that I know personally, that sounds more interesting than it actually is, who have been burned in tanning salons.

LEG. MYSTAL:

How much did you pay them?

LEG. COOPER:

Elie.

LEG. BISHOP:

So, I have over my career authored legislation that regulated tax grievance consultants and fire alarm companies, and in those circumstances, I ended up working with industry umbrella groups on developing the local legislation and, you know, it was in their interest, as well as in the government's interest, to work together. You would want to get rid of the bad actors, presumably.

MR. NOLAN:

I believe that would be a very responsible way to proceed here if •• you know, to make sure that we're getting the right information. And the ITA is familiar with all the regulations out there nationwide and can provide a lot of useful information.

LEG. BISHOP:

Right, good. I hope that's where this thing moves towards. Thank you.

P.O. CARACAPPA:

You got it.

MR. NOLAN:

Thank you.

P.O. CARACAPPA:

Thank you, sir. James Oliver. Go ahead, sir.

MR. OLIVER:

Hello. My name is James Oliver and I'm the Vice President of the Beach Bum Tanning, group of tanning salons throughout Long Island. I'm also the father of two children, and I'm speaking regarding Resolution 1065, regarding the regulating of tanning salons, specifically the parents accompanying the children for every visit.

I've been in the industry for over ten years and I've seen it evolve dramatically throughout that time. We in the industry have been encouraging more education and better training and want to provide platform for people to get a tan in a smart, educated way. Even though the majority of our tanning base is over 18, we feel the proposition calling for parents to accompany 15 to 17 year olds during every visit would be a burden on both the client and the parent.

A tanning salon provides a controlled atmosphere for sun exposure. And although we do encourage that parents know what their children are doing, and we want to participate in that knowledge to the parent, we do not agree with placing the excessive burden on both the parents and the client.

No one encourages overexposure, and as somebody mentioned, tanning parties, and going to the beach for the day or going to a pool for the day, where there are absolutely no controls. And with parents working to support their families and have other children would be very difficult for them to accompany their 15 to 17 year old every time to a tanning salon. So, we feel that something •• we do agree with them knowing, but if something can be done to where it's somewhere in the middle, we would agree •• I feel •• I feel strongly towards that.

P.O. CARACAPPA:

Legislator Vilorio•Fisher has a question.

MR. OLIVER:

Yes.

LEG. VILORIA • FISHER:

Hi. Thank you for coming down.

MR. OLIVER:

You're welcome.

LEG. VILORIA • FISHER:

How often would you say would be an appropriate level of frequency for someone to visit a tanning parlor, which would be within the self realm?

MR. OLIVER:

Currently, we have •• we, our group, makes sure that we have a signed consent form at least once a year, that either the parent accompanies or is notarized.

LEG. VILORIA • FISHER:

No. I'm asking how often would you recommend that somebody come to lay on a tanning bed?

MR. OLIVER:

How often?

LEG. VILORIA • FISHER:

Yeah, how often?

MR. OLIVER:

It depends on their skin type. Really, somebody who's of darker descent, somebody who's maybe of Mediterranean descent could come more often. Somebody with more of a Northern European descent would come less often. I'd say anywhere from one •• from one to three times a week, one to four times a week.

LEG. VILORIA • FISHER:

That often people come, one to four time a week?

MR. OLIVER:

One to three, but I mean, it's excessive, we don't •• we won't promote the

excessive use, we just want •• we ••

LEG. VILORIA•FISHER:

Well, what's more typical?

MR. OLIVER:

Two.

LEG. VILORIA•FISHER:

Two times a week people come in?

MR. OLIVER:

During •• if they're trying to •• a lot of times people will be going away on a trip, and if you're going to go away on a trip and people go to the beach and they want to put suntan lotion on, it's much better to go to the beach when you already have some sort of base tan, because most people go to the beach, and I've heard many times throughout my experience in tanning. My first time at the beach I'd go and I'd get burned, and after that, then I'm okay. But we don't encourage that at all. We don't want people to get burned. That's the worst thing for somebody. We want it to be very gradual, we want it to be very light, and we want it to be just enough to wear. When you go to the beach and you don't put suntan lotion at the right place, on your shoulders or on your back or on your chest, that you're not affected in a bad way. We want to •• we encourage it to be used the way it was meant to be used, to develop a proper base, so when you go down and the suntan lotion wears off, or you forget to put it on, that you don't get a •• you don't get a horrible sunburn, which is what causes the problems to begin with. It's the sunburn, not the ••

LEG. VILORIA•FISHER:

So, you're talking about ••

MR. OLIVER:

Not the gradual.

LEG. VILORIA•FISHER:

But you're not speaking about somebody going to a tanning salon two times

a week, fifty•two weeks a year.

MR. OLIVER:

No, I'm not.

LEG. VILORIA•FISHER:

Okay.

MR. OLIVER:

No. I mean •• so, somebody who would go twice in one week or three times in one week would be just before a special event.

MR. OLIVER:

The primary time for people to do it when our business peaks is during •• is before special •• before •• right now, right before people start to go away for the summer, before they go on cruises, before they go away.

LEG. VILORIA•FISHER:

Okay. So, this excessive burden that you're referring to that would be borne by parents is something which the week before vacation they would go three times.

MR. OLIVER:

More than a week before a vacation. I would not recommend a week before a vacation, because that's trying to rush the process. No, we do not recommend that.

LEG. VILORIA•FISHER:

Okay. So, for a couple of weeks before vacation.

MR. OLIVER:

Couple of weeks, month, two months. It's, you know ••

LEG. VILORIA•FISHER:

So, for a parent to have that responsibility when their child •• when they want to make sure that their kid isn't going five times in one week to try to

rush it, that's a limited space of time.

MR. OLIVER:

Correct. But we •• right, but we •• if you don't •• if you don't •• if you have too much time between exposure, then the build•up that you would need to be necessary to maintain the right base, I guess is what we call it in the industry, would not be sufficient. You would need two, two to three times a week to really slowly develop that base. And it's not how many times you're going. I heard gasps in the room, "Oh, two to three times." That's not •• I think that's inappropriate. I think •• I didn't gasp when you were speaking. It's how long you're tanning at that time. And we have •• we have education after education after education for our staff to encourage people to train the customer to come in for two minutes the first time, for four minutes the second time, for five minutes the third time, which that, as opposed to once a week 12 minutes, is the better way to do it. And if a parent has to accompany somebody two to three times a week, then it does become a burden, then it does become something that becomes difficult for the parent to do.

LEG. VILORIA•FISHER:

Thank you for your response.

MR. OLIVER:

You're welcome.

P.O. CARACAPPA:

Anyone else? Thank you.

MR. OLIVER:

Thank you.

P.O. CARACAPPA:

Darlene Munoz.

MS. MUNOZ:

Hi. My name it is Darlene Munoz. I've been in the tanning business for over

thirteen years. I own and operate Perfect Color Tanning Salon, with six locations on Long Island, four being in Suffolk County. I've been using tanning beds since I'm 20 years old and I'm going to be 38 and I've never had a problem. If you tan responsibly in the right way, you should never have a problem. My partners and I are opposed to the resolution, because having parental consent is a good thing, but it's limiting to have a parent each and every time sit at the salon.

We follow the recommendations of the FDA on age limitations, but that's •• I mean, there's nothing saying that at age 18 you should have to have a parent sit each time. If the parent's willing to let a child tan and they can drive themselves to the salon, the parents shouldn't have to be there. Even at age 16, one parent might bring three or four kids to the salon. You shouldn't have to have four parents for four children to tan. Obviously, if they're picking up four kids, the four other parents know that someone's coming.

I think that it will have a big effect on Suffolk County's economy if this goes through, speaking for myself. I mean, there's over 100 tanning facilities in the County, and I would say probably 40 to 50% of our clients are ages 15 to 25, and we depend on that extra income and the business from the pre •vacation and the pre•prom tanners coming in to get us through our season. Most of the kids that are 15, 16, 17 and 18 years old do tan after school between 2:30 and 5:30, and most parents don't get home until around 6 o'clock, so I think it would really limit them coming in and then the parent has to come home, cook dinner, and worry about going up to a tanning salon for the child to tan. Just with the cost of living on Long Island, both parents have to work, and I just think that it's like almost impossible for a mother or father to come two or three times a week for their child to get a tan for a prom, or a wedding, or a communion or a confirmation.

I think that spending money on regulation and hygiene is more important than making sure a parent is there each time a child tans. If all the salons were in regulation and followed the same rules and were sanitized properly, I mean, that's a lot more important and educating their clients is more important. If a parent's uneducated, whether they sit there or not each time the person tans, it's not making a difference, but if on the first time they

come in and fill out the form and we give them a pamphlet on how to protect their eyes, most people doesn't even know •• they don't even know that if they're out in the UV light that they're damaging their eyes. Some people only find out when they come into a salon, so we could tell them. I think that's more important, if they're educated, instead of worrying about who's sitting at the salon each time their child tans.

I just think that my business will be affected, a lot of salons will start closing down, there's going to be a large number of employees out of jobs, landlords having vacant stores. The income's not going to be there. I think some type of regulation is definitely good, it's a great thing, but the resolution that's being proposed I think is just a little limiting. I think that any good salon or any reputable place right now has some type of thing with an age limit and consent. I know we do at our salons and any kind of chain does.

P.O. CARACAPPA:

Miss Munoz, I'm going to have to cut you off there, but there are questions.

MS. MUNOZ:

I'm sorry. Go head.

P.O. CARACAPPA:

Legislator Vilorio•Fisher, then Caracciolo.

LEG. VILORIA•FISHER:

Thank you for coming down. And we're certainly not trying to drive any small businesses out of business. We know that our economy certainly sits on the shoulders of our small businesses here.

MS. MUNOZ:

Yeah. This is how I feed my family.

LEG. VILORIA•FISHER:

And I appreciate your being here. The speaker before you spoke about setting up a schedule with the people, with your clients.

MS. MUNOZ:

Yeah, that's what we do.

LEG. VILORIA•FISHER:

So, that there is •• so, I'm assuming, if that type of schedule is set up, that when somebody comes to your facility, you have a record of their visits?

MS. MUNOZ:

Yeah.

LEG. VILORIA•FISHER:

Okay.

MS. MUNOZ:

Most salons are on some type of software that will show each and every time they come, how long they went for, the dates when they came in. And if they're not on a software, usually they'll keep a card. Everyone fills out a membership card at our salon. If they're 16 or under, their parent has to sign a membership form, as well as the client. If someone's 14 right now in our six salons, their parent needs to be present each time they tan. Fifteen, 16, their parent comes in and signs the form, and then the membership card goes on file, and then they're in the computer, and that's the way it works. We don't let 12, 11, 10 year olds tan at our salons, unless they come in and have to because of a doctor, you know, referring them there. But, you know, there is ••

LEG. VILORIA•FISHER:

Thank you.

MS. MUNOZ:

You can say, you know, if •• you know how often someone tans. We only let people tan once a day. That's like an FDA regulation, that they shouldn't tan more than once a day, even if they try to go to one of our other salons, or sometimes someone will come in and say, "Oh, you know, I'll just go somewhere else." But we •• we don't just say, "Okay, go ahead," we tell them why they shouldn't and we tell them, you know, not to damage their skin and how to tan.

We •• all our girls are educated. We're •• I'm certified, we go to seminars, and that's why I think, like, having some type of the regulation is good, because there's a lot of small salons that open up and don't know what they're doing that actually ruins our industry. If you have someone that has a regular job and just opened a salon and have a bunch of 18 year olds working there, that could ruin it for us, because, like one of the Legislators said before, they knew some 16 year olds that burned in the salon. Well, that's because the owner and operator is probably off doing something else and they're not on top of what's going on in their salon. So, once someone comes in and doesn't know the safety of tanning or how to tan properly, if they burn, they'll never go back to a salon again in their life. So, right there, we lost a customer in the industry in whole, because they weren't educated properly.

So, if you have some kind of whatever you want to set up, guidelines from the Suffolk County Department of Health, or have everyone follow the FDA guidelines, which I know they don't, or come in and make sure beds are being run the right time, that would be a much better way to approach this than to say, "You're 17, your mother has to be here each time you tan," because that's hard. Let's face it, 17 and 18 year olds drive, you know. They're driving themselves to the salon on. If they're 14 or 15, their parent has to drive them there, and most of the time, if they're that young and they haven't been tanning, they're only going five, six, seven, eight minutes, so you're going to wait with your child and leave with your child. But when they're 16, you might have a carload of kids being dropped off by one mother and picked up in 15 minutes by another, or 17 and 18, like I said, they're driving themselves. But, if they're 17 and 18 and they're been tanning there for a few years, their parent have already been there and they have the consent, so, I mean, that's just ••

P.O. CARACAPPA:

Okay.

LEG. VILORIA•FISHER:

Okay, yeah, point •• point understood. I just wanted to mention that some of those regulatory requirements that you mentioned are state and federal.

MS. MUNOZ:

Yeah, yep.

LEG. VILORIA • FISHER:

You know the Sanitary Codes, and operators' ability to operate a salon. And what we're concerned about here is trying to prevent exposure at a ••

MS. MUNOZ:

Overexposing.

LEG. VILORIA • FISHER:

Overexposure, exposure to children who are too young.

MS. MUNOZ:

I agree with that.

LEG. VILORIA • FISHER:

And you may be doing your due diligence, but that's not the case everywhere, and we want to make sure that parents, then, are doing it. I just wanted to explain that. It's not a question.

MS. MUNOZ:

Okay.

LEG. VILORIA • FISHER:

I'll let it go to the next person.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. How many salons did you say were located in Suffolk County?

MS. MUNOZ:

I would probably say over a hundred.

LEG. CARACCILOLO:

And do you know ••

MS. MUNOZ:

That offer tanning. I don't know if they're all tanning salons, but there's other beauty aspects that have a tanning bed in them.

LEG. CARACCILOLO:

Is there a trade organization that you or others belong to?

MS. MUNOZ:

Yeah, the ITA, International Tanning Association.

LEG. CARACCILOLO:

I mean, local, local trade association.

MS. MUNOZ:

Local, no.

LEG. CARACCILOLO:

Are you required to be registered with the Health Department or any other governmental entity?

MS. MUNOZ:

Nope.

LEG. CARACCILOLO:

The guidelines you spoke of, the federal and state guidelines, could you explain what they are and how does that correlate to a client who comes in for a treatment?

MS. MUNOZ:

Okay. Well, in December of 2002, Suffolk County Department of Health sent out a draft of guidelines that they would like ••

LEG. CARACCILOLO:

A draft.

MS. MUNOZ:

•• tanning salons to follows.

LEG. CARACCILOLO:

It's just a draft.

MS. MUNOZ:

It was a draft.

LEG. CARACCILOLO:

Okay.

MS. MUNOZ:

It wasn't any type of thing set in stone, but right there is one thing to start on, if people would follow that, but the FDA recommends, you know, certain procedures and certain, you know, ages that there should be parental consent. The FDA, you know, they recommend that 15, 16 year olds should have parental consent.

LEG. CARACCILOLO:

How about exposure times, is that regulated by any ••

MS. MUNOZ:

Well, the exposure time is set by the FDA also on each piece of equipment. When these beds come in from Germany or Italy, wherever the manufacturer is, when it comes into the United States, the FDA regulated it. Like say a Dr. Muller bed, which might be a German•made bed, like a Dr. Muller Orbit, which is one of the most popular beds in the industry, in Germany, you could go 20 minutes in that bed. When it came to the United States, it was FDA regulated for 12 minutes, and that's just the way it is in the United States, so people have to go in that regulation. And on each bed, there's a little chart saying fair, you know, type one, two, three, four, your skin type, how long you should expose yourself and ••

LEG. CARACCCIOLO:

If a client requests more time than is ••

MS. MUNOZ:

We don't let them.

LEG. CARACCILOLO:

In your business, you don't?

MS. MUNOZ:

No, because I could see by their skin type, and if they haven't tanned in awhile, what they should do. And the best way to do it is to go less time, more often than to •• if they come in and want to do a full session, they're going to burn, and that's defeating the purpose that we're there for. If we're there to give them a pre•vaction tan ••

LEG. CARACCILOLO:

In the 13 years that you've been a business owner •• you said 13 years?

MS. MUNOZ:

Yep, 1992 I opened my first salon.

LEG. CARACCCIOLO:

I'm sorry. Yeah, 13 years. Have you ever been, not sued, but have you ever had a complaint by clients or parents of clients for overexposure?

MS. MUNOZ:

No, I've never had any complaints, but I have had people that come in, girls that come in and say, "Here's a note from my mother, I'm allowed to tan," and I call the mother and my •• the mother says, "No, I didn't write that note and I don't want my daughter tanning. So, if they don't want them tanning, I don't let them tan.

LEG. CARACCILOLO:

Okay.

MS. MUNOZ:

Sometimes they say she can tan, then they'll come down.

LEG. CARACCILOLO:

I just want to get some background information about the industry, okay, because I have no familiarity with your industry.

MS. MUNOZ:

I haven't really had any problems at my salons.

LEG. CARACCILOLO:

How many employees do you employ, and what •• what are the hourly wages, typically?

MS. MUNOZ:

It depends on their age. During •• tanning seasonal, in the Spring we're a lot busier, so, in the Spring, we could have between 40 and 50 employees, and in the slow time of year, in the Fall, we might have 20 employees. It depends on the time of year.

LEG. CARACCILOLO:

At how many locations?

MS. MUNOZ:

Six locations.

LEG. CARACCILOLO:

Okay.

MS. MUNOZ:

So, when it's slow, we could have between 20 and 30, and then I'd say in the busy time, you know, maybe ••

LEG. CARACCILOLO:

What are your normal business hours?

MS. MUNOZ:

We're open seven days a week, usually twelve hours a day, and Sundays is more limited, it's like a seven, eight hour day.

LEG. CARACCILOLO:

Are your employees full•time and do they receive benefits?

MS. MUNOZ:

Our employees make anywhere from \$7 an hour up.

LEG. CARACCILOLO:

Seven dollars?

MS. MUNOZ:

Well, part•time, like high school employees would make around \$7. Our full •time employees all make at least \$10 an hour. They all have paid benefits, if they need them. Some of ••

LEG. CARACCILOLO:

What type?

MS. MUNOZ:

Excuse me?

LEG. CARACCILOLO:

What type of benefits?

MS. MUNOZ:

Health benefits. They get sick and ••

LEG. CARACCILOLO:

Full paid health benefits?

MS. MUNOZ:

Yes. Some of the •• it depends on the hours they work. If they don't work over 35 hours, they pay 20 or \$25, sometimes \$30 a week towards their health benefits. We have a few employees that we pay their full health benefits that have been there longer with us. They all get paid vacation days, they get six days, and if they're 21 or over, they're included in our pension plan. Under 21 isn't included.

LEG. CARACCILOLO:

Would you have any idea of how many of your competitors have come in and out of business over the last thirteen years?

MS. MUNOZ:

Well, if they're not running their business properly, just like any other business, they don't last in the business.

LEG. CARACCCIOLO:

I mean, is there a frequent turnover, is my question? And if so, do you know why?

MS. MUNOZ:

I don't think there's a frequent turnover. I think that a lot of people open a salon and think that you just throw a couple of 18 year olds in there to run it and realize it takes more than that to run it, so they're sold to other salons and a lot of the big chains will buy them and run it the right way. But I don't think there's a frequent turnover, no. I think, actually, there's more salons now, which I know for a fact that from when I opened, there was a few handful of salons in Suffolk and Nassau County compared to now, that there's two and three salons in almost every town and ••

LEG. CARACCCIOLO:

Well, it's a very profitable business, obviously. What's a normal •• what's a typical treatment and what does it cost?

P.O. CARACAPPA:

What's the relevance to the bill of this line of questioning.

MS. MUNOZ:

It's between six and twenty dollars.

LEG. CARACCILOLO:

Well, I'm just getting some background information about the industry and the effects.

MS. MUNOZ:

A session could go anywhere from six dollars up to twenty dollars.

LEG. CARACCILOLO:

I missed the first answer, I'm sorry.

MS. MUNOZ:

The answer was anywhere between six dollars and twenty or twenty•three dollars, depending on what type of machine you're doing, what type of exposure.

LEG. CARACCILOLO:

Does anyone regulate the type of machines that are used in the industry? You mentioned two manufacturers in Europe.

MS. MUNOZ:

The FDA regulates them.

LEG. CARACCILOLO:

Does anyone come in and see what you're using, is my question?

MS. MUNOZ:

Do they come in and see what we're using?

LEG. CARACCILOLO:

The Health Department or anybody else ever come by to •• I mean, they do doctor's offices.

MS. MUNOZ:

I've had the Department of Health call me and I've spoke to a few people.

LEG. CARACCILOLO:

Okay.

MS. MUNOZ:

And I had one come in once ••

LEG. CARACCIOLO:

But they don't actually come in and visit and inspect the equipment, because if somebody's using, let's say, unauthorized equipment ••

MS. MUNOZ:

No, they don't, and that's what I was saying. I would rather see money get spent there, because when someone's not running their equipment right, or not using the bulbs they're supposed to be using, and someone has a bad experience, it's ruining it for people like myself that have six salons and feed my family off of this.

LEG. CARACCIOLO:

So, you would not be adverse to the Health Department or someone else regulating ••

MS. MUNOZ:

They could come in any one of my stores any day they want.

LEG. CARACCIOLO:

•• the use and equipment of •• and perhaps the training of personnel to make sure that, in fact, what you and others have said today, that there are properly trained individuals using this equipment?

MS. MUNOZ:

I definitely think you should have. I think that he every salon should have a certified person there, someone that was certified, or took a Smart Tan or some type of certification on skin care. I don't know how some of the salons open and they have know idea what they're doing, and they're dealing with people's skin. It's the largest organ on the body. Don't you think you should know a little about what you're selling?

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Anyone else?

LEG. MYSTAL:

No.

P.O. CARACAPPA:

Are you sure?

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

MS. MUNOZ:

I guess you heard enough. Okay.

P.O. CARACAPPA:

You guys want to talk about maybe the wallpaper that they use?

LEG. ALDEN:

Put me on the list.

LEG. MYSTAL:

Do so in the penalty of death.

LEG. VILORIA•FISHER:

Thank you very much.

P.O. CARACAPPA:

Thank you very much.

MS. MUNOZ:

Thank you.

P.O. CARACAPPA:

I have no other cards. Anyone else wishing to be heard on this matter?

Legislator Vilorio•Fisher, what's your pleasure?

LEG. VILORIO•FISHER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Vilorio•Fisher, second by myself. All in favor?
Opposed? Abstentions?

I.R. 1067 • A Charter Law to ensure non•partisan, fair and objective process by which Legislative Districts are reapportioned. First speaker is Eric Bruzaitis.

LEG. CARACCILO:

That's why public hearings should be in committee, Mr. Chairman.

P.O. CARACAPPA:

Gave them the option.

MR. BRUZAITIS:

Thank you very much. Good afternoon. My name is Eric Bruzaitis. I'm the Regional Coordinator for the New York Public Interest Research Group, NYPIRG. I'm here representing Legislative Director Blaire Horner.

NYPIRG is a nonpartisan, not•for•profit research and advocacy organization. Government reform is an issue of primary concern for NYPIRG at both the state and local levels, including during the Nassau County Charter revisions process, and is part of the New York City reformation. NYPIRG has been keenly interested in the manner in which government develops new Legislative District lines.

We have been harshly critical of the manner in which the State Legislature, with the implicit agreement of the Governor, rigged the State Legislative Districts in 2002. As a result of their manipulation of the Legislative Districts over the past quarter century, both Houses of the State Legislature have created majorities that have been impervious to serious challenge. As a direct outcome, State voters have been largely denied competitive elections,

the cornerstone of American democracy.

NYPIRG, as well as many other civic organizations, have •• excuse me •• consistently called for the creation of an impartial redistricting system such as •• such an impartial system should be prohibited from considering political and partisan data in drawing up district lines, and should be overseen by a commission as free from political influence as possible. With that goal in mind, NYPIRG applauds the interest in reforming the redistricting process by County Executive Levy and Legislator Montano. A fair and open district line•drawing process would bolster democracy and encourage civic participation. Moreover, if Suffolk County were to embrace the real changes in the redistricting process, it could stimulate State reforms.

The County Executive's proposal is more sweeping, so we will direct our comments to this proposal. Overall we support the approach offered by the County Executive. There are some areas where we think there could be strengthening. One is substantially equal population in districts. NYPIRG supports the implied goal of the section that the County Legislative Districts should be a comparable •• of comparable population, however, the section could be significantly strengthened if "substantially equal" is defined in the bill.

NYPIRG recommends that the County Legislative Districts not be allowed to exceed 1% range in population size. As you can see from the end of our testimony, there are large ranges in population size, from roughly twenty •eight hundred fewer citizens than average size to the •• to as many as forty•four hundred more.

Number two, approval or disapproval of the Commission's plan. Under the County Executive's plan, the Commission will have tremendous control over the configuration of the County district lines. The Executive's plan makes it extremely difficult for the Legislature to overrule the Commission's plan by requiring a super•majority vote for rejection. Without such action, the Commissions's plan goes forward. If the Commission is truly independent and diverse, and its plan is developed in a transparent manner, such power is warranted.

Membership of the Commission. I'll just sum up here. We're a little concerned about the makeup of the Commission. The judges are typically elected, and as such, they're part of the political machinery. Under certain circumstances, one party could, you know, take control of the redistricting process. And we would like to see a super•majority vote on the redistricting plan, and have members of the Commission be prohibited from ex parte communications with members of the Executive, Legislative branches, and other elected officials and party •• okay. Thank you.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Okay? Thank you very much. Oh, questions, yes, Legislator Mystal.

LEG. MYSTAL:

Oh, no, I've got some questions on this.

LEG. BINDER:

No, you don't. No, you don't.

LEG. MYSTAL:

I'm going to make a little statement for you.

P.O. CARACAPPA:

Questions.

LEG. MYSTAL:

I guess I'm one question who has been around this body at least for two ••

D.P.O. CARPENTER:

Me, too.

LEG. MYSTAL:

•• line drawings, and Legislator Carpenter had been here. One, given the fact that, you know, you're talking about putting a panel, and you address

one of them, and I looked at it, the panel as proposed in this legislation, if you were to follow it through, and I will give you a scenario, and this is a question for you, I'll give you the scenario, if you've been around Suffolk County, it's not a far-fetched scenario. More often than not, we've had a County Executive who is a Republican, and more often than not we've had a P.O., Presiding Officer, who have been Republican, and more often in than not, at least not in my experience, we've had the Legislature, which is dominated by a Republican majority. Now the way this is constituted, you have three, three people being named by the County Executive, two people being named by the P.O., one Minority •• one person elected by the Minority Leader, that's the other person, and there had been times when we've had a Conservative in this group, so which mean that who would be that Minority Leader, and one person elected as a whole from the Suffolk County Legislature.

Now, let's say we have the scenario, which is often what we have here, Republican County Executive, Suffolk County Legislature dominated by a Republican. What you have in there •• that's right. What you have in there are six people being named by the Republican Party. Now ••

LEG. ALDEN:

Not a bad thing.

LEG. MYSTAL:

Yeah, I'm sure that isn't a bad thing for you, because you can control the whole process. Now, the other part of it is you have one member that is supposedly going to be a minority, but the way you define minority is, the way you define minority in this bill, not you, but the County Executive does it, is somebody who's either Asian, Hispanic, African-American, or women. That's your definition of minority. You know that doesn't go with me, you know, but I won't even go there.

LEG. FOLEY:

Two out of three.

LEG. MYSTAL:

So, you've got •• we have possibly a panel that is one with six Republicans,

and one from another party, and maybe a woman as a minority. So, in other words, I have three people who are of other descent of minorities. We won't even have any representation on this, and that's number one, that's number one thing.

The two thing, number two that you were talking, impartial, impartial body, I do not know how much you know about politics, but if you've been around here, you know, and I always talk politics, because this is a governmental body, anybody you bring into a panel to redo a line is going to come with an agenda, and that agenda is going to be the agenda from the person ••

D.P.O. CARPENTER:

Question.

LEG. MYSTAL:

•• who nominated that person, either the County Executive, or the P.O., or the Suffolk County Legislature. I don't care who the person is, they're going to have an agenda. Okay? So, in terms of removing politics or partisanship out of drawing the line, it ain't happening, because the person you put in is going to do that.

Now, the third part you talked about is equal size. As somebody who has participated twice now in redistricting line, the size sometimes cannot be equal, because in order for you to make it equal, you will have to cross boundaries that are either natural boundaries or political boundaries, school district boundaries, ethnic boundaries, all kind of boundaries just to make it equal, which means that you kill your process right there.

So, my thing is that, you know, you want to take the •• the fourth part, and I'm going to stop there, the fourth part is this. You want to take something that is not being done anywhere in the State or even in this country, take the power away from us to do our own line.

LEG. CARACCILO:

Question.

LEG. MYSTAL:

And give it to •• that's what •• that's the question, that is the question.

LEG. ALDEN:

Oh, good.

LEG. MYSTAL:

You want to take that. Let me •• I'm asking you why, because you say you will •• I'm just delineating why there's nothing what you won't change. Why is it that you think that we are so dumb, so stupid ••

LEG. ALDEN:

And you can have ten seconds or less to answer that.

LEG. MYSTAL:

•• that we cannot do our own line, because under the pretense that somehow you're going to have a more impartial, truly independent group of people, because if they are going to do the line, that must be •• that must know something politically, because they're not truly independent, nor are they impartial. So, I don't see why it is that you think this bill is better than what we've been doing. That's my question.

MR. BRUZAITIS:

Just quickly to respond, you know ••

P.O. CARACAPPA:

We really appreciate the quick •• the quick part of that.

MR. BRUZAITIS:

Yes. We like the tenor of the bill. We like, you know, going forward. You know, obviously, there's going to be a lot of discussion on this. It's a good start. We will have recommendations as the process goes forth.

LEG. MYSTAL:

No, sir, it's a bad start.

MR. BRUZAITIS:

Or it's a dead start, but if there •• you know, as going forward, we •• you

know, we think that New York City has already done well with its redistricting and things like that.

LEG. CARACCILOLO:

The essence of Mr. Mystal's statement ••

P.O. CARACAPPA:

Whoa, whoa, whoa, hold on.

LEG. CARACCILOLO:

Wait, wait, no, no, no.

P.O. CARACAPPA:

Hold on. Hold on.

LEG. CARACCILOLO:

He spoke for 15 minutes here ••

P.O. CARACAPPA:

But there's a list.

LEG. CARACCILOLO:

•• and there was no question involved. It was about if you're going to redistrict ••

P.O. CARACAPPA:

Mike.

LEG. CARACCILOLO:

•• and Elie's not involved, it's not a good redistricting plan.

P.O. CARACAPPA:

There's a list, that's all I'm saying.

LEG. CARACCILOLO:

Right, two times you were involved.

LEG. ALDEN:

There's a list.

P.O. CARACAPPA:

Yeah, there's a list.

LEG. MYSTAL:

My question is, again, why is that bill better than what we've been doing?

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Good afternoon, sir.

MR. BRUZAITIS:

Good afternoon.

MR. MONTANO:

I like some of the comments that you made. I just have some questions. I don't want to debate the bills with you, but ••

D.P.O. CARPENTER:

Question.

LEG. MONTANO:

•• one of the things that you •• let me ask you this, first of all. Are you familiar with the recent redistricting process that led to the election of this Legislature here in Suffolk County, that is the delay of the Legislature informing a redistricting plan after the last census and the litigation that commenced after that? Are you familiar with the history of what happened in Suffolk County?

MR. BRUZAITIS:

Not well enough to talk about it.

LEG. MONTANO:

Okay.

MR. BRUZAITIS:

Although I could direct any questions to Blaire Horner, who would be happy to answer any questions.

MR. MONTANO:

All right. Well, just let me •• let me get to the heart of it. With respect to the composition of this so-called reapportionment committee that would be set up, do you think that it actually would be better for the County •• for a County Executive, not necessarily this County Executive, to have that much input into a committee that would control Legislative redistricting? Do you think that's a good form of reform. Do you understand the question?

MR. BRUZAITIS:

I think so. As long as the process is open and transparent going forward. As long as the process is open and transparent going forward, you know, and public, the public has the opportunity to, you know, respond and interact. I don't know if I'm answering your question.

MR. MONTANO:

Yeah, I think I know where you're going, but be more explicit. It seems to me, and I'm going to ask this in the form of a question to get your reaction to it, if a County Executive had control or had substantial input into a redistricting commission such as is proposed here, and also if you'll note that the appointments made by the respective appointing authorities are such that they serve, that person serves at the pleasure of the appointing authority, during the process that the Reapportionment Commission is going through its drafting of lines, do you think that that could lead to mischief by a County Executive who would •• could use his appointment or her appointment power to sort of steer reapportionment one way or another to either help those that are friendly, or hurt those that have been adverse to the policy of the County Executive, and do you think that leads to good government?

MR. BRUZAITIS:

Well, I'm sure that is a possibility, that there could be mischief. But, again, the more transparency and the more the public has the opportunity to interact with the council going forward ••

LEG. MONTANO:

Do you think that there was any transparency in the last reapportionment process that occurred or you wouldn't know?

MR. BRUZAITIS:

I can't speak to that, I'm sorry.

LEG. CARACCILO:

One question.

LEG. MONTANO:

Yeah. You know what ••

LEG. CARACCILO:

One question.

MR. MONTANO:

Just address the issue with respect to the County Executive's bill as to whether or not in your opinion there's sufficient minority input in terms of the redistricting proposal as it's addressed in this bill, because in redistricting, we generally have three competing interests, the interest of the two major parties, and also the protection of communities that are large enough to elect representatives from minority districts and sometimes have been gerrymandered, etcetera. Can you just •• do you think that the County Executive's bill addresses that issue sufficiently with respect to reapportionment? And you guys would know because you're involved in that process, right?

MR. BRUZAITIS:

Well, again, I would •• I would defer to Blaire Horner on that question.

MR. MONTANO:

Okay.

MR. BRUZAITIS:

I think, you know •• you know, as long as the process is open to all ethnic and racial minorities, it's a good thing, but I can relay your question to Blaire Horner and definitely get back to you.

LEG. MONTANO:

All right. Thanks a lot.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Yes. Does NYPIRG have a particular model that they believe Suffolk County should follow?

MR. BRUZAITIS:

We like the New York City model.

LEG. CARACCCIOLO:

Which is?

MR. BRUZAITIS:

Again, I ••

LEG. CARACCILOLO:

Could you provide me with a copy of that, please?

MR. BRUZAITIS:

Yes, absolutely.

LEG. CARACCILOLO:

Thank you.

P.O. CARACAPPA:

Anybody else?

MR. BRUZAITIS:

Thank you for the opportunity.

P.O. CARACAPPA:

Next speaker is Chris O'Connor.

MR. O'CONNOR:

Let's go home. Once again, for the record, my name is Chris O'Connor. I'm representing Neighborhood Network.

Look, the devil's in the details. I mean, I think when we get down to it, somehow the people, the residents, the citizens, the voters, the taxpayers have to be included in the process, and they have to have a voice. And, ultimately, how we get there is a discussion and a dialogue, and I think it could be done in a fair way.

I have a naive belief that perhaps that both elements of the Legislative and the County Executive and the Executive Branch can work together to formulate something like that. But, you know, I understand the politics involved and it's a very difficult process. The fact that we're actually even talking about changing the process to begin with is, frankly, a little revolutionary, because up until now no one ever talked about changing the process. So, you know, from a good government point of view, I see that there's some movement.

So, that's all I have to say. I wish I was back in Florida today.

LEG. MYSTAL:

You made a mistake, Chris.

P.O. CARACAPPA:

Thanks for sticking around.

LEG. ALDEN:

Motion to close.

P.O. CARACAPPA:

There's a motion to close by Legislator Alden, second by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. CARACCILOLO:

Mr. Chairman, before we ••

P.O. CARACAPPA:

1067 ••

LEG. CARACCILOLO:

Is this the last public hearing?

P.O. CARACAPPA:

No.

LEG. CARACCILOLO:

Okay. We have 1080 •• 1986 on agenda.

P.O. CARACAPPA:

We're not done with the public hearings. ***1076 (A Local Law to prohibit the use, purchase and sale of Class 3A Laser Devices)***. I have no cards. Anyone wishing to be heard? Motion to close by Legislator Mystal, second by myself. All in favor? Opposed? Abstentions?

I'll make a motion, second by Legislator Montano, to set the following public hearings for Tuesday, March 15th, 2005, at 5:30 p.m. at our General Meeting at the Maxine Postal Auditorium in Riverhead, I.R. 1108, I.R. 1109, 1113, and 1127. There's a motion and a second to set those hearings. All in favor? Opposed? Abstentions? Those hearings are set.

Going back to the agenda. Legislator Caracciolo, what page was that on again?

LEG. CARACCILOLO:

I'll tell you in a moment.

P.O. CARACAPPA:

Page 9.

LEG. CARACCILO:

Page 9, 1986.

P.O. CARACAPPA:

Page 9, first ••

LEG. CARACCILO:

Motion to approve.

P.O. CARACAPPA:

1986 (Authorizing legal action against Long Island Convention and Visitors Bureau, Inc., (LICVB) seeking recovery of improperly expended taxpayer funds). There's a motion to approve by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? Legislator Bishop's here.

MR. BARTON:

16.

LEG. ALDEN:

Nowick's here, too.

LEG. NOWICK:

I'm here.

P.O. CARACAPPA:

Okay. Any other business to come before ••

LEG. FOLEY:

I think we have another ••

P.O. CARACAPPA:

Oh.

LEG. SCHNEIDERMAN:

Procedural motion from earlier on the hiring the •• on hiring Rutgers. I'm sorry. There was a procedural motion that I was asked to wait until after lunch by Legislator Alden to hire Rutgers to conduct a housing needs assessment for the County at a cost not to exceed \$65,000.

P.O. CARACAPPA:

Motion to approve?

LEG. CARACCILOLO:

Yes.

LEG. ALDEN:

I would ask that ••

LEG. CARACCILOLO:

Thanks, Joe.

LEG. ALDEN:

•• will all due respect, put that off. I've attended your committee meeting along with Legislator Fisher, and Legislator Fisher actually raised a couple of questions that weren't really answered. And there was only one presentation at that committee, if my memory serves me correct. So, I would hold off on appointing them right at this point. I would ask to hold off. I think we need a little bit more work on that, and I think that you need to hold a committee meeting where everybody can make it that's on that committee to, you know, have those questions answered that were raised by Legislator Fisher, so ••

LEG. SCHNEIDERMAN:

Everybody was invited to that meeting. The individual came out from New Jersey, from Rutgers, to present ••

LEG. ALDEN:

You didn't have a quorum, though, actually, so ••

LEG. SCHNEIDERMAN:

I didn't, but Legislator Fisher was there, Mr. Morgo was there, Commissioner Morgo.

LEG. ALDEN:

But her questions weren't really answered in a proper form, and she raised some ••

LEG. SCHNEIDERMAN:

Why don't we let her answer that question, whether she's comfortable. I'd like to move forward. I think this is a very important ••

P.O. CARACAPPA:

It's a motion to approve the procedural motion by Legislator Schneiderman. Is there a second?

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop. There's a motion ••

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

I'd have to ask Counsel.

LEG. LINDSAY:

And I'll second.

P.O. CARACAPPA:

Well, actually, I'll ask Legislator Binder, our rules guy, our past rules guy.

LEG. BINDER:

No, no, she's there. She's there. No, Counsel.

P.O. CARACAPPA:

Can we send the procedural motion to committee?

LEG. BINDER:

Sure.

MS. KNAPP:

Can you?

P.O. CARACAPPA:

Yeah. Or does it just stay on the floor?

D.P.O. CARPENTER:

We can do anything.

MS. KNAPP:

There's nothing in the rules that prohibits it, so that to the extent that, you know, ten votes are ••

LEG. BINDER:

You can, because Roberts Rules.

MS. KNAPP:

Yeah.

P.O. CARACAPPA:

Because there •• right, there is just some ••

LEG. BINDER:

If there's not a rule on something, there's Roberts Rule, and Roberts Rules will allow you ••

P.O. CARACAPPA:

Some Legislators have discussed the possibility of having it discussed in committee.

LEG. ALDEN:

Right, send it back to the committee.

P.O. CARACAPPA:

So, there's a motion to •• motion to send Procedural Motion Number 2 to the Ad Hoc Committee on Affordable Housing.

LEG. ALDEN:

Yes.

P.O. CARACAPPA:

There's a motion by Legislator Alden.

LEG. SCHNEIDERMAN:

I'd like to see an up or down vote on it.

P.O. CARACAPPA:

There's a motion by Legislator Alden to do that, and I'll second it. It takes precedence. Roll call on the recommitting.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass.

LEG. MYSTAL:

What am I voting on?

LEG. BISHOP:

This is on what?

LEG. LINDSAY:

To recommit.

MR. BARTON:

Send it back to committee.

LEG. BISHOP:

To recommit, no.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

MR. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILOLO:

No.

D.P.O. CARPENTER:

Pass.

LEG. BINDER:

No.

LEG. MYSTAL:

Abstain.

D.P.O. CARPENTER:

No.

LEG. FOLEY:

Change my vote to a no, please.

MR. BARTON:

Six. (Not Present: Legs. Tonna and Cooper)

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. CARACAPPA:

There's a motion to approve by Legislator Schneiderman, second by •• there was a second already.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I attended that committee meeting and, basically, I'm not on that committee, but I sat in at the Chairman's request. There was only one other member of that committee there and that was Legislator Fisher, so you really couldn't have done any business, because you didn't have a quorum.

And this is important. There's \$65,000, I believe, that you're looking to spend here for a study that Legislator Fisher pointed out could be done by, pretty much in-house, people in Suffolk County that have the access to •• the access to some of the data that would actually be needed in this study.

The other thing is there's some weaknesses on the part of that presentation, their lack of knowledge with the local area. They would have to contact all the different towns to find out what we even are doing in Suffolk County to deal with the project •• the problem of affordable housing. And how many people did we reach out to, because I believe that we were supposed to interview at least three firms to ••

LEG. SCHNEIDERMAN:

If I could answer some of the direct questions.

LEG. VILORIA • FISHER:

Jay, can you just let me say something?

LEG. ALDEN:

•• to determine who we would have to do that study. So, I think this is premature to go ahead after interviewing one firm without any members of the committee or with only one member of the committee present.

LEG. VILORIA • FISHER:

Mr. Chair, can I just clarify something, since ••

P.O. CARACAPPA:

Go ahead Legislator Fisher.

LEG. SCHNEIDERMAN:

And then I'd like to ••

LEG. VILORIA • FISHER:

•• my questioning ••

P.O. CARACAPPA:

Actually, I never said that it was •• it could be done in•house. And there were some problems that I had with there not being from the area, but this type of study, actually, we would have to pay for people to do it, even if somebody from Suffolk County were doing it. If the •• for example, when the University did a needs assessment, it cost us \$50,000, so we did pay for it.

LEG. ALDEN:

But to clarify what I said, I didn't say that you had mentioned that, you know, it can be done in•house. I said that you raised questions that I didn't hear answers to.

LEG. VILORIA • FISHER:

Okay. And you're right, not all •• and I did have to leave early because I was ill that day. But, Mr. Morgo had told me that they had answered a lot of his questions sufficiently, you know, that he took it further than we did. And I think that we had already voted on going forward with this, but not •• but we had not voted on this particular group ••

LEG. ALDEN:

Well, this increases ••

LEG. VILORIA • FISHER:

Is that correct?

LEG. ALDEN:

•• the amount of money, too.

LEG. SCHNEIDERMAN:

By \$15,000.

P.O. CARACAPPA:

All right. Hold on. One person at a time. Legislator Lindsay.

LEG. LINDSAY:

I'm probably a bad one to speak on this issue, because I was opposed to the original resolution for the study. And the reason why I was opposed is because there's been two studies done within the last three years by nongovernmental agencies, one by the State AFL/CIO and the other one by the Long Island Housing Partnership.

The second reason why I have a problem with this is because we have to go to a University in New Jersey to study the housing needs on Long Island, and I think there's a problem with that. I think bringing in someone from New Jersey, the first thing they have to do is familiarize themselves with our communities and our environment, and I think that's problematic. If you wanted to do something like this, if the Long Island Housing Partnership study, which was the most recent study, was not in-depth enough and you wanted to expand it, let's hire the economist that did the Long Island Housing Partnership study, which is Pearl Kamer, who is the Economist for the LIA, and ask for the additional information that you want, because I don't think you're starting from scratch again.

LEG. SCHNEIDERMAN:

First, let me say that this group has excellent credentials from Rutgers. The individual who's leading the group is from Long Island, he's from Kings Park, familiar with the area. He's already reached out to Cornell, he's reached out to Stony Brook, and I do think there will be some local university involvement. This is highly detailed and sophisticated statistical and demographic analysis. This is the group that did Westchester County, and no, they're not from Westchester County, but they are probably the best in the business. And we're getting a university rate, this is a great price for this, and it's very important data, and it goes far beyond what the Long Island Housing Partnership did.

And Jim Morgo, who was here before, and I wanted to have this discussion

while he was here, supports this, and feels that data that this will present is critical to the County's Workforce Housing Program. So, I think we need to move this forward. You know, I'm sorry that not everybody got to interview this person, but, you know, you can read his resume, you can read the report, it's good, and I really believe that we should not stall this, we should move it forward.

LEG. ALDEN:

Point of order.

LEG. BISHOP:

Point of order?

LEG. ALDEN:

No, I'm serious, it is a point of order.

P.O. CARACAPPA:

Well, you're next, go ahead.

LEG. ALDEN:

If this resolution was sent to •• actually, the resolution was crafted so that your Ad Hoc Committee would do a study to interview people and then make a recommendation to the Legislature. You can't do that, because you didn't have a committee meeting where you had enough people to make a recommendation, so ••

P.O. CARACAPPA:

No, no, no, that's not true. Just to be fair, it's a procedural motion to do a study, and you can name someone in a procedural motion to do a study. They went the extra step to interview people. Even though they didn't have a quorum and it wasn't an official vote, the procedural motion allows that. It's not an introductory resolution.

LEG. ALDEN:

Well, the original ••

LEG. SCHNEIDERMAN:

And I did, I sent out multiple solicitations to have, you know ••

LEG. ALDEN:

The original \$50,000 was done by what?

LEG. SCHNEIDERMAN:

•• various groups to perform the study for us.

LEG. ALDEN:

Question to Counsel, then. The original \$50,000 was done how, by resolution?

LEG. SCHNEIDERMAN:

Procedural motion.

LEG. BISHOP:

Joe.

MS. KNAPP:

What happened was the original procedural motion called for the Ad Hoc Committee to interview at least three. In trying to get people who would be qualified to do this, Legislator Schneiderman, as the Chairman of the Committee, had trouble finding three qualified groups to come forward. Eventually, I believe the only response he got was from •• from the Rutgers people who had performed a similar study for Westchester County, and he interviewed them and came to me and said to me, "Well, now how do we do this, do we repeal the last one?" And similar to what the Presiding Officer just said, I said, "No, what we can do is a procedural motion that sets forth the steps that you took and what the result was, and if the Legislature wishes to approve it, they can approve that procedural motion."

LEG. ALDEN:

Well, then just a word of caution. One, two, maybe three people interviewed these folks, and maybe they're nice, maybe they're not, I'm not even passing judgment on that, but not enough members of the committee were there so that committee could make recommendation to this body. So,

I'm a little hesitant to go forward at such speed, especially in light of the questions that were raised, and they were valid, as far as I'm concerned, that there might be people on the Island that could generate the same type of data and that that data actually exists right now. So, that's just a word of caution.

LEG. SCHNEIDERMAN:

Would you feel more comfortable if we bring this individual who's heading this team here before the Legislature? I'd like to move this forward, but ••

LEG. ALDEN:

Well, if you want every ••

LEG. SCHNEIDERMAN:

So that •• so at least you can ask him questions as he proceeds with the study.

LEG. ALDEN:

That's the least that you should do, I think.

LEG. SCHNEIDERMAN:

I'd be happy to do that. I know he would be happy to do that.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I would just like to get on the record some of the basic facts. Legislator Schneiderman, why do we need this study? What is this going to reveal?

LEG. SCHNEIDERMAN:

Well, it's going to look at the entire County to look at the cost of housing, what percentage of people are priced out of the housing market based on the actual bottom of the housing market, what the rental prices and sales prices are, it's going to look at commuter patterns and seeing how people are being shifted around Suffolk County based on the lack of affordable housing. It's going to look at initiatives within towns in terms of what has

been done. And it's going to give us basically a sense, an area•wide sense of where the needs are most severe, and a sense of what would be needed to address those needs, and if we did nothing over a 20•year period, how that would impact the economy of Suffolk County, and, you know, how this problem is likely to grow.

LEG. BISHOP:

And what did the Westchester study, which I assume is complete, what did it reveal, and how was it used by policy•makers afterwards?

LEG. SCHNEIDERMAN:

Right. It did lead to the creation of thousands of units of housing in Westchester, not as many as the study recommended, but it was •• it was used to base policy initiatives upon.

LEG. BISHOP:

Why •• was this process •• how did you notify the academic world at large, potential applicants, that we were looking for this study?

LEG. SCHNEIDERMAN:

We put together a letter of solicitation, which went out to all of the potential responders we could find that had some experience in this field, this kind of demographic analysis field.

LEG. BISHOP:

And did that include New York area universities and colleges?

LEG. SCHNEIDERMAN:

Eric, I don't know, you may have the list, but is that yes? Were there New York groups on the list that we sent out? They didn't respond back, but we sent out •• yes. The answer is yes, we did send to New York ••

LEG. VILORIA•FISHER:

Including Stony Brook?

LEG. SCHNEIDERMAN:

I believe, yes, including Stony Brook.

LEG. BISHOP:

Okay. So, this process was open to local bidders, nobody responded, Rutgers has experience, they produced a product that was used in a neighboring county in Westchester and was used effectively, and that's why you feel that \$65,000 should be spent. Okay, thank you, appreciate that.

P.O. CARACAPPA:

Anyone else?

LEG. MYSTAL:

Let's vote.

LEG. ALDEN:

Motion to table to the next ••

LEG. BISHOP:

You guys made him the ••

D.P.O. CARPENTER:

Second.

LEG. BISHOP:

•• Chairman of Ad Hoc. Maybe, you know, you don't have no faith in him.

LEG. ALDEN:

Motion to table until the next ••

P.O. CARACAPPA:

That's not necessary.

LEG. ALDEN:

•• Legislative general session to allow Jay to contact these people, have them do a little presentation for us, and we can ask them their questions, and then we could vote on this intelligently.

LEG. SCHNEIDERMAN:

Sorry, Cameron. That's not what I was suggesting.

LEG. BISHOP:

Next time bring your letters of solicitation to Pete O'Leary's Office.

LEG. SCHNEIDERMAN:

I was suggesting we move forward and I do bring him to our next Legislative meeting to answer any potential questions as he begins the work, so that all of your concerns are on the record.

P.O. CARACAPPA:

Okay. There's a motion to table by Legislator Alden to the next General Meeting, I'll second that. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present).

LEG. BINDER:

Pass.

LEG. MYSTAL:

To table, no.

LEG. BISHOP:

No to table. We need this now. We need this now.

LEG. NOWICK:

Yes, to table.

LEGISLATOR KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

Eight.

LEG. BISHOP:

Listen, you bring those letters of solicitation to caucus next time, my friend.

P.O. CARACAPPA:

The tabling fails. Motion to approve and a second already being established, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

(Not Present).

LEG. TONNA:

(Not Present).

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

No.

LEGISLATOR KENNEDY:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Abstain.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's approved.

LEG. SCHNEIDERMAN:

Thank you. Legislator Caracciolo, you want to ••

LEG. CARACCIOLO:

Motion to override the ••

P.O. CARACAPPA:

There's a motion to override veto on adopted Resolution Number 25, which was originally 2039, creating a Transfer of Development Rights Oversight Committee. Motion to override ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

•• by Legislator Caracciolo, second by Legislator Alden. Roll call.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

It's a veto on the TDR Committee.

LEG. FOLEY:

I don't have a copy of it.

P.O. CARACAPPA:

Here.

MR. BARTON:

It was in the folders.

LEG. CARACCIOLO:

Mr. Chairman, while Legislator Foley has an opportunity to take a look at the resolution of the veto override, I would note, Brian, that last August, you sponsored a resolution to create a Cancer Task Force.

LEG. FOLEY:

Right.

LEG. CARACCILOLO:

And based on some recent inquiries I've made, that has not occurred, and I don't know if you're aware of that.

LEG. FOLEY:

Yeah. If I just may respond to Legislator Caracciolo. He's correct, that the Commission has not met. The Commissioner of Health is supposed to call that Commission together. He and I have been talking about it, and in the near future •• you're absolutely right, but in the near future, they will finally be putting •• finally be having a meeting in order to move forward with that agenda, which, by the way, that Nassau County has a similar commission and they've already met. So, you're absolutely right.

LEG. CARACCILOLO:

Okay.

LEG. FOLEY:

So, in the near future, that will be moving forward and you will be invited to attend. Thank you.

LEG. CARACCILOLO:

Thank you. Okay. Mr. Chairman, can we move the vote? Joe, can we move the vote?

P.O. CARACAPPA:

Yes. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

(Not Present).

LEG. TONNA:

(Not Present).

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass. I don't know what we're overriding.

LEG. BISHOP:

Checking my vote the first time.

LEG. NOWICK:

Yes to override.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

This is to override? Yes to override.

LEG. VILORIA•FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes to override.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

MR. BARTON:

Ten. (Not Present: Legs. Tonna and Cooper).

LEG. CARACCILOLO:

Mr. Chairman. Mr. Chairman.

LEG. VILORIA • FISHER:

Did you call the vote, Henry?

MR. BARTON:

Yes, ten.

P.O. CARACAPPA:

It fails. Legislator Caracciolo.

LEG. CARACCILOLO:

Okay. Thank you. I'd like to make a motion to lay on the table Procedural Motion 3, which was handed out an hour or so ago, that would enable the County to hire and retain outside counsel to represent Suffolk County before

the Federal Energy Regulatory Commission with respect to the Broadwater proposal.

P.O. CARACAPPA:

What's the dollar amount?

LEG. CARACCILOLO:

A hundred thousand dollars.

P.O. CARACAPPA:

Hundred thousand dollars. And they're going •• they're not going to FIRC until early Fall, right?

LEG. CARACCILOLO:

The application, based on conversations with representatives of Broadwater, is they will submit an application by September.

LEG. BINDER:

Motion and second to Environment Committee, commit it to Environment Committee.

P.O. CARACAPPA:

Motion to lay on the table and send it to ••

LEG. CARACCILOLO:

Energy and Environment •• Economic Development.

P.O. CARACAPPA:

Economic Development. Motion to waive the rules and lay on the table, and a second by myself. All in favor? Opposed? Abstentions? It goes to Economic Development. And there's a CN.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Tonna and Cooper)

P.O. CARACAPPA:

But it's nowhere to be found in front of me.

LEG. CARACCILO:

Is that the one for the beach?

P.O. CARACAPPA:

Yeah. Is there a motion on the CN?

LEG. CARACCILO:

Motion.

LEG. SCHNEIDERMAN:

I'll make a motion on the CN.

P.O. CARACAPPA:

Motion by Legislator Caracciolo on the CN, which is ***1179 (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the County share for Emergency Erosion Control, Dune Restoration and Sand Replenishment Along Dune Road in the Vicinity of Tiana Beach, Town of Southampton (Capital Program Number 5324).***

LEG. ALDEN:

To what?

LEG. SCHNEIDERMAN:

Second.

LEG. ALDEN:

Approve?

P.O. CARACAPPA:

It's •• yeah, to approve, and the bond.

LEG. CARACCILO:

And it's contingent, Mr. Chairman, on the federal government providing, I think it's an 80 or 90% matching share.

LEG. BINDER:

Motion to commit.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to approve?

LEG. BINDER:

Commit.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. CARACAPPA:

To commit?

LEG. BINDER:

Commit it to committee.

LEG. BISHOP:

Second.

LEG. ALDEN:

Second.

LEG. BISHOP:

I'll second the approval.

P.O. CARACAPPA:

There's a motion to commit, which takes precedence over the approval, second by Legislator Alden.

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

To commit?

LEG. SCHNEIDERMAN:

No, on the motion.

P.O. CARACAPPA:

To commit?

LEG. SCHNEIDERMAN:

I'm not •• yes, on the motion to commit. It's the one front of us, right?

P.O. CARACAPPA:

Yeah, go ahead.

LEG. SCHNEIDERMAN:

Okay. This is a time sensitive matter. There is a state of emergency in effect in •• along Dune Road in Southampton that was declared I think a day or two ago by the County Executive. There's severe erosion in this area. There is a potential for a breach in a serious storm, which could wipe out a huge section of County holdings along the Dune Road area. This would allow us to move forward, though it doesn't force us to spend any money, but it would bring us to the table with the federal government, the Army Corps of Engineers, with the Town, and with the State to try to get some sand out there to prevent that situation.

We have a unique opportunity where there is a federal dredge in the vicinity that's currently there, and we hopefully will be able to get them to pump sand right up into this vicinity, and it should not cost the County very much. There is also a potential, because of the state of emergency, for reimbursement, and this basically puts us in potentially at 10% of the cost of a project. And Commissioner Bartha is here to answer questions about the DPW's role.

LEG. ALDEN:

On the motion.

LEG. SCHNEIDERMAN:

But I do not believe that we can wait. I think it would •• it could be detrimental.

P.O. CARACAPPA:

What's the County holdings that are in jeopardy?

LEG. SCHNEIDERMAN:

It's two miles of beach, County beach in this area immediately to the east of Mermaid Lane.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Is this a County beach, or is it beach, just beach front where private homes are?

LEG. SCHNEIDERMAN:

No, in this case, there's undeveloped County, about two miles stretch of beach, undeveloped dunes that belongs to the County.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just to point out, we're right in the middle of the winter storm season. This sand could be pumped in there, and within minutes, actually be washed right out to sea. So, there's no guarantee that this is going to stop any type of damage or any type of breach in the •• into the bay and flooding, which is contained in the resolution, of the mainland.

Second thing is, so, when you say about the life of the project to go out and bond it, which is the most expensive way to go and buy these type of projects, what might be more appropriate, if you're going to start looking at something, maybe to do something out of pay•as•you•go, because in the resolution it states that the life of the project has a five•year life span, well,

this could be less than five seconds. So, I really challenge that either "whereas" clause or that finding that was in there.

And as far as our •• it hasn't been established what our legal duty is. I know there's a lawsuit and things like that. There's a number of questions that I would like see answered before we go and rush into this, especially I'd like to hear some more testimony on the effectiveness of beach sand in right now in the middle of a storm season when we know we're going to get hit with at least one, two, or three more storms, which will take all that sand and wash it right back out to sea.

P.O. CARACAPPA:

My other question is, does the Town, Town of Southampton •• is the Town of Southampton contributing to this?

LEG. SCHNEIDERMAN:

Yes. We're not obligated to spend a single penny if Southampton doesn't come to the table, the Federal Government doesn't come to the table, and the State.

P.O. CARACAPPA:

Have they passed a resolution ••

LEG. SCHNEIDERMAN:

They have ••

P.O. CARACAPPA:

•• stating their intentions yet?

LEG. SCHNEIDERMAN:

Yes. Well, they have indicated to me, absolutely, that they will play a lead role here and ••

P.O. CARACAPPA:

My question was did they pass a resolution?

LEG. SCHNEIDERMAN:

I don't have an answer, maybe Mr. Bartha has an answer, but we are not obligated to pay anything if Southampton doesn't.

P.O. CARACAPPA:

All right. There's a motion to commit to Public Works. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. MYSTAL:

What are we doing?

MR. BARTON:

Send it to committee.

LEG. MYSTAL:

Oh, commit the damn thing.

LEG. BISHOP:

I'll pass.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No to commit.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

No to commit.

LEG. CARACCILOLO:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. BISHOP:

No.

LEG. O'LEARY:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It goes to Public Works. No other business to come before the Legislature, we're adjourned.

[THE MEETING WAS ADJOURNED AT 6:05 P.M.]

_ _ Indicates Spelled Phonetically.